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A History of
ORGANIZED
FELONY and FOLLY

The Record of Union Labor in
CRIME and ECONOMICS

New York, 1923

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Introduction

The Wall Street Journal, in the fall and early winter of 1922, published a series of thirty-two articles on the record of union labor in the United States during the past twenty years, and, at the solicitation of many readers, these articles are now assembled and issued under chapter headings in the present form.

No attempt was made in the articles to discuss theoretical unionism as an economic agency, but an exhaustive research was made in order to bring together the many scattered records bearing on the activities of union labor organizations in their relations to the rest of society.

The articles were made up for the most part from official records, including records of courts, prisons, transcripts of official investigations, declarations of public officers, etc., the whole being condensed into the smallest possible compass. It was the first attempt to make a comprehensive collection of such records, and they, in the aggregate, form a document of crime that it would be impossible to match in any other field or time of human activity.

A History of Organized Felony and Folly

"Uplifting" the Press

Whatever benefits organized labor has conferred on its members these benefits have been obtained at an incalculable cost to the rest of humanity. Against the higher wages, shorter hours, and limited output of union labor, stand the higher cost of living for the multitude, the unemployment of the unorganized worker, a long series of atrocities extending in this country from the seventies to date, the intimidation of public officials, local, state, and national, the corruption of governments, such as the municipal administration of San Francisco, and the elevation of the thug to places of honor and trust.

Union labor is ever armed and equipped for warfare, and its favorite campaign is the ambuscade of the barbarian. The history of the movement in this country is one of the most sordid records of humanity, and it is the dismal purpose of this and following articles to recount the incidents of a few of the inglorious battles that have marked unionism's warfare.

Among the benefits which organized labor was showering on mankind in 1910, was the dynamiting of the Los Angeles Times building by J. M. McNamara, acting in the employ in other outrages of the International Bridge & Structural Iron Workers' Union, of which his brother, J. J. McNamara, was secretary and treasurer. For this piece of "uplift" work, which cost the lives of 21 newspaper workers, J. M. McNamara is serving a life sentence in San Quentin prison.

The International Bridge & Structural Iron Workers is affiliated with the American Federation of Labor, and then, as now, Samuel Gompers was ranting about the capitalistic effort to crush organized labor whenever he observed the processes of the law being directed against murderers and other felons. At that time, Gompers went so far in the canonization of felony as to cause the American Federation of Labor to issue and sell a stamp, bearing the head of McNamara, which was placed side by side on Federation

mail with the two-cent stamp, bearing the head of Washington.

The Times' murders had their origin in an economic situation that had been developing on the Pacific coast for many years, and this situation it is necessary to consider to get a clear idea of the benefits bestowed by organized labor on that region.

San Francisco received its first marked impetus in 1849, and in the eighties, when Los Angeles was a village, it was the metropolis of all the region west of the Mississippi valley. To San Francisco are tributary the Sacramento and San Joaquin valleys, which have no equal for extent and fertility outside the valley of the Nile, while the soil of southern California is thin and suitable for little but citrus fruit. In spite of a general belief to the contrary, the region tributary to Los Angeles gives the railroads only about one-fourth of the freight originating in California. San Francisco is situated on a natural harbor equalled by only one or two others in the world and by none in this country. Los Angeles is on an open roadstead protected in part by a breakwater.

In spite of its late start and its want of comparative natural advantages, Los Angeles finally surpassed San Francisco in population, owing largely to the industrial hegira from the latter city. Until the last two or three years, San Francisco was the most tightly unionized city in America, with fish-cleaners' unions, chicken-pickers' unions, etc. Owing to the efforts of Gen. Harrison Grey Otis, and his paper, the Times, Los Angeles enjoyed the greatest industrial freedom of any city in this country.

When Henry Huntington sold his Southern Pacific holdings to Harriman, he decided to invest the proceeds in tractions. San Francisco was then his home, but, after investigation, he declined to share in the benefits of organized labor in that city, and invested his millions in Los Angeles. Then began an exodus that has not ended, and was marked by the withdrawal of John D. Spreckels and his millions from San Francisco to San Diego.

The situation finally became so patent that a powerful weapon was placed in the hands of San Francisco employers,

who had no difficulty in showing that organized labor was accomplishing what an earthquake could not do. Thus, union labor felt forced to construct an organization in Los Angeles, and it began by an attempt to destroy the building of the Times and to assassinate General Otis.

Twenty-one lives were lost in the Times explosion and a time-bomb was placed in the home of General Otis, who was absent from the city, but it failed to explode.

Shortly after the explosion, the McNamara brothers and their assistant, McManigal, were arrested by William J. Burns, who had worked up the case against them. McManigal, who was taken to Chicago, soon confessed and implicated his confederates. These criminals, who were to be placed on trial in Los Angeles, were extradited Saturday, and the following day Gompers gave out an interview in Washington declaring that the evidence had been fabricated as part of an employers' plot to crush organized labor.

Clarence S. Darrow, a lawyer whom McNamara and McManigal were to telegraph in case they got into trouble over their many previous outrages, at first refused to undertake their defense, but changed his decision when organized labor conferred on him the benefit of a $50,000 retainer with the promise of a fee of $100 a day during his engagement on the case.

About a week after the arrests, Gompers went to Indianapolis and then to Chicago, where he proclaimed Burns a liar. After talking with the men who appropriated the money for this and preceding outrages, Gompers announced that the case was a frame-up on union labor.

Gompers then brought the full power of the American Federation of Labor to the defense and asked every union man in the country to contribute 25 cents to the fund, besides glorifying McNamara on the Federation stamp. Secretary Morrison of the Federation afterward stated that $200,000 had been raised, of which more than $170,000 went to Darrow. Meantime, witnesses for the prosecution began to disappear and one of them was located in Mexico. The chief of the unions' detectives was charged with an attempt to bribe a juror, but escaped on the disagreement of the trial jury.

With McManigal's confession, the case against the McNamaras was too strong and their confession followed. Darrow said afterward he knew the McNamaras to be guilty, but Gompers had always denied that the lawyer confided the information to him.

J. M. McNamara received a life sentence, but there was no direct evidence of J. J. McNamara's connection with the Times explosion. For his responsibility in the dynamiting of the Llewellyn Iron Works at Los Angeles he received a fifteen-year sentence to San Quentin.

Three Years for Murder

A member of the International Moulders' Union of North America has represented for several years a district of California in Congress. This statement is not made with the intent to reflect on the Moulders' Union, although other statements to follow will warrantably bear the blackest interpretation. In a letter "To the Senators and Representatives, Congress of the United States," Joseph M. Brown, formerly governor of Georgia, refers to this Congressman in the following words:

"As a member of Congress, he has taken an oath which binds him to obey and uphold the Constitution, and, logically, therefore, to protect the property, liberty and lives of all people from damage or loss save by due process of law. Yet, if he has not been entirely heedless of his environments, he has known for years that his 'brothers' in the moulders' union have been committing on the persons and property of law-abiding people such brutal, infamous and absolutely damnable crimes as those to which I am calling your attention herewith; and I have yet to find the person who can tell me when, in the hall of the House of Representatives, or in the public press, or in any other arena of action or thought, he has ever denounced, rebuked, or even criticized these bloody deeds of wrong by his union 'brothers'. * * * And—the crowning test—he has never taken steps to protect his self-respect as a law-maker in this 'government of law' by withdrawing from

membership in the organization in question which is notorious for acts in willful violation of law. * * *

"And yet, published reports showed that this member of the moulders' union was pressed with great force by labor union influences upon President Harding for appointment as Secretary of Labor in the President's Cabinet."

About 400 affidavits have been collected covering crimes committed by members of the International Moulders' Union during the years 1904 to 1907 inclusive. The activities of this union did not cease by any means in 1907, as is shown from its records for 1916 and 1917, during which years, one of them a war year, the union spent $847,995 in promoting and conducting strikes. The crimes covered by the record include all forms of violence from simple assault to riot and murder, and such particularly cowardly crimes as an attempt to bribe a cook to place poison in the food of non-union men.

The principal cities where violence centered in 1904 to 1907 were Utica, Cincinnati, Philadelphia, Milwaukee, Columbus, Chicago, Buffalo, Kansas City, St. Paul, Minneapolis, Detroit, San Francisco, Portland, Ore., Seattle and Tacoma. The record would make a book, and for that reason a single strike must be selected for reference. The violence following a strike of the moulders in Cincinnati in 1904 will serve as well as any, because Cincinnati is the national headquarters of the union and the strike was conducted under the immediate supervision and direction of the national officials of the moulders.

On October 4, 1904, Samuel Weakley, a non-union moulder working in the Greenwald factory at Cincinnati, was murdered by William Friend, alias Patton, a union iron moulder. Patton and two others met Weakley on a thoroughfare of the city and shot him through the abdomen. Weakley died at the hospital after identifying his assailant. During his trial, Patton changed his plea from "not guilty" to "guilty," and was sentenced to 20 years' imprisonment in Columbus penitentiary. After serving less than three years of his sentence, Patton was paroled through the efforts of the officers of the Iron Moulders Union, which had borne the expense of his defense upon the charge of murder.

The activities of International President Valentine during the Cincinnati strike of 1904 are partly described in "abstracts from affidavits and statements" included in the letter of Governor Brown to Congress. He says:

"During progress of strike, and after much lawlessness by striking union moulders, Valentine, president of Moulders' Union, informed representative of proprietors that if non-union moulders were started at work in the 'struck' foundries of Cincinnati 'murder would be done.' President of Moulders' Union agreed to stop all picketing and lawlessness during a truce declared for purposes of attempting a settlement of strike. All slugging, rioting, picketing and other forms of violence ceased at once in accordance with this promise. Immediately following failure to reach an adjustment of strike former vicious tactics of the striking unionists were revived and in accordance with the statement of the president of the union that 'murder would be done,' murder did occur within a few days. President of Moulders' Union was particularly boastful of his ability to quiet mob violence and maintain law and order in Cincinnati during above mentioned truce."

Thomas McCarthy testified that on September 14, he "boarded a street car to go home and five or six pickets boarded the same car. Later eight or 10 more pickets boarded the car. When affiant attempted to alight from the car, he was forcibly taken by these pickets to the rear of a saloon, where about 30 strikers surrounded him and made threats of personal violence. Among these men was Joseph Valentine, president of the Iron Moulders' Union of North America. Affiant was told that if he did not stop working he would be injured to such an extent that he would never be able to do another day's work; that the best thing for him was to leave the city. Valentine said he was unable to keep his men from doing personal violence to anyone who would work during a strike. Since that day affiant has not worked for the firm."

This record meets pretty well the defense that responsible union officers are not cognizant of the crimes committed in the names of unions, and the continuance in Congress of members of organizations such as the Moulders' Union explains, in part at least, some of the legislation the country gets.

Washington and Leavenworth

Although most of the crimes for which 20 officials and members of the International Association of Bridge and Structural Iron Workers were convicted preceded the Los Angeles Times explosion, the prosecution in the Times' case preceded the others, and it was largely the investigation following the Los Angeles affair that brought to light the evidence of a long series of outrages extending from 1905 to 1912.

The record of this union is among the most interesting, because the organization sent one president to the congressional chamber at Washington and another to a prison cell at Leavenworth.

Congressman Frank Buchanan was president of the Bridge and Structural Workers until September, 1905, when Frank Ryan was elected in his place. The American Federation of Labor, with which this union is affiliated, attempted in 1912 to put through the Clayton anti-injunction bill and the measure was passed by the House by a large majority. In the hearings before the Senate Judiciary Committee, it was charged that J. J. McNamara in June, 1906, wrote a letter to Ryan declaring that Buchanan had authorized some "missionary work" in Toledo, the "work" appearing from further statements in the letter to have been assaults on non-union workmen.

In the spring of 1905 a Toledo contractor started to erect a building on the open-shop basis, and the usual violence followed. It is to these outrages that the following extract from McNamara's letter relates:

"Ex-President Buchanan authorized Brother McClory to do some missionary work in Toledo. McClory thought $150 would be sufficient, and I issued him check for the amount. He secured four men. Among them were Borden and Elsemore. They went to Toledo and returned to Cleveland. Shortly after their return they were arrested for assault. We secured attorney and had jury trial. Jury disagreed, 11 for conviction and one for acquittal. Our attorney stated that he was positive next trial would result in conviction and advised pleading guilty with hope of securing parole before election. * * * Acting on his advice I assured the two men they would be

recompensed for any time spent in jail. Men pleaded guilty and were sentenced to six months in jail. * * * Borden and Elsemore were paroled after spending about five months in jail."

The authenticity of this letter was not denied but McNamara's veracity was called in question by Congressman Buchanan. The union's official organ, however, contained a statement from Buchanan that he was in Toledo, where "No. 55 are having a contest," in May, 1905.

In addition, the treasurer's record shows $150 paid to McClory on July 11, "account Toledo strike." On July 21, the day of the trial of Borden and Elsemore, the record further shows $500 paid to Frank Buchanan and charged to the "emergency fund." Later $291 was returned.

Borden and Elsemore entered suit against the union for money alleged to be due them for services and obtained judgment by failure of the defendants to appear. An appeal was taken and the case later settled out of court. When suit was threatened but before it was filed, McNamara wrote to Buchanan, apparently for counsel, and the best evidence that the congressman was familiar with the character of Borden and Elsemore is contained in his reply to McNamara. The reply indicates further that the Illinois Democrats must have been exceedingly hard-pressed for congressional material in 1906.

"Chicago, June 28-6.

"Mr. J. J. McNamara Cleveland Ohio

Esteemed Friend & Bro Yours of the 27 ult received and noted with interest. . . . I appreciate the information in regard Borden and Elsemore they are the kind of cards I would expect to do something like that they are dangerous men in the union, and I would never of had any thing to do with them myself So far as I am concerned personally I would say you had paid them too much now and would not pay them one cent more they have nothing on me, and unless they would perge (perjure) themselves could not injur me at any rate I am willing to take a chance let them do their worst to me the best interest of the Intl Assn should be considered I was of the opinion an organization that was not incorporated could

neither sue or be sued in the courts I think the general conditions are such that it should (the trial) be postponed as long as you can put it off until the year 2000 if you can I am a candidate before the democratic Primaries for Congressman from 7th Ill District it look now like I will get the nomination and then I will have a hot time to get elected. . . .

"With good wishes for your thourgh success I am

"Fraternaly

"F. BUCHANAN."

It was brought out at the hearings before the Judiciary Committee that one William McIlwaine, business agent of the Philadelphia Local, had written to International Headquarters in 1904 giving account of an assault on non-union workers which resulted in sending "about 15 of their Snake to the Hospital." McIlwaine was arrested for inciting to riot, and with evidence of his guilt at International Headquarters, president (afterward Congressman) Buchanan called the executive board together and $500 was appropriated "to assist in above case."

Organized Felony

Between 1906 and 1911, that part of organized labor represented by the Bridge and Structural Iron Workers—and it is an important part—was organized mainly for felony. During this period and late in 1905, 96 assaults were made on foremen and workmen employed by the American Bridge Co., or by members of the National Erectors' Association, resulting in injuries of various degrees and including deaths, loss of sight from acid thrown by assailants, etc. During the same period, there were 102 attempts to dynamite property, many of them successful, most of the property consisting of work under construction or finished by the companies mentioned. The concerns involved were waging a fight for the open shop, and during this period firms operating on the closed shop plan were free from these outrages.

In the course of investigating the Los Angeles Times explosion, in 1910, William J. Burns obtained the evidence

against the union officials and members, partly from the confession of McManigal and partly from the union's records at Indianapolis.

The records showed that J. J. McNamara, as secretary and treasurer, received, from time to time, sums ranging from $1,000 to $3,500, and averaging about $1,000 a month, for "organization work," for which no detailed accounting was made. McNamara carried a private bank account, and from this he checked $200 every time J. M. McNamara, his brother, and McManigal committed some outrage. In the evidence was a statement from J. J. McNamara to his hirelings to commit a spectacular outrage, as the bridge workers were going to have a quarterly meeting, and he wanted "to make the boys feel good." Wherever these outrages occurred, local hotel registers contained the names of J. M. McNamara and McManigal, entered a few hours or a few days before the explosions.

A few of the outrages committed during the period 1906-11 follow, with dates and locations:

March 12, 1906, Cleveland: Attempt to dynamite hotel occupied by non-union men in American Bridge Co.'s employ.

June 25, 1907, Detroit: Building dynamited during erection of steel work; buildings in the vicinity also damaged.

February 3, 1908, Pelham, N. Y.: Guy clamps on four guys used to hold drawbridge removed, causing bridge to roll forward and fall into bay; damage $5,000 to $10,000.

February 17, 1908, Clinton, Iowa: Dynamite placed in various parts of derrick car on double track drawbridge of C. & N. W.; one lot exploded, rest being frozen; damage, about $2,000.

April 1, 1908, New York: Wire falls rigged up for anchorage of 10-ton derrick on Blackwell's Island bridge, under construction, loosened, but discovered in time to prevent accident.

April 9, 1908, near West Farms station, New York: Guy clamps of wire guys on 60-ton derrick removed, causing most of derrick to topple over; discovered just in time to prevent accident to passenger train.

May 21, 1908, New York: Attempt to dynamite New Haven drawbridge over Bronx river; suitcase found in river contained 103 sticks of dynamite and two coils of fuse.

June 2, 1908, Cleveland: Twenty-ton steel derrick wrecked, wall of steel building twisted out of shape, and part of railroad siding torn out by dynamite; loss $500; fourteen unexploded sticks of dynamite found attached to partly burned fuse.

August 9, 1908, St. Louis: Two charges of dynamite exploded on bridge being repaired by non-union men.

March 27, 1909, Boston: Southeast side of new opera house destroyed by dynamite; being erected by non-union men.

July 9, 1909, Detroit: Guncotton placed under pile of steel girders; explosion destroyed girders, and considerably damaged nearby factories.

September 5, 1909, Hoboken: Dynamite and fuse discovered on viaduct, after four men were frightened away.

October 25, 1909, Indianapolis: Several buildings dynamited at practically same time; damage about $15,000. Dynamitings followed employment of non-union men.

November 4, 1909, Cleveland: Crane, freight cars, tracks and foundations in vicinity wrecked by dynamite. Watchman narrowly escaped death; damage $40,000.

April 19, 1910, Clinton, Ind.: Explosions wrecked two piers of railroad bridge to such an extent that traffic was abandoned.

August 20, 1910, Oakland: Lumber mill wrecked by exploding dynamite. (Fourth time in two years.)

September 4, 1910, Peoria: Plant badly damaged by three explosions of dynamite; six adjacent buildings damaged. Watchman seriously injured.

September 15, 1910, Chicago: Woodwork, windows and masonry of building completely shattered by explosion of bomb, with time fuse placed at entrance. Had explosion occurred few minutes later, night watchman would have been killed. (Explosion followed visit of delegation from Chicago Federation of Labor.)

October 1, 1910, Los Angeles: Los Angeles Times building completely destroyed by explosion of dynamite and fire; 21 lives lost. (Dynamite also found at residence of General Otis, proprietor of Times, and at residence of F. J. Zeehandlaar, secretary of Merchants and Manufacturers' Association of Los Angeles.)

March 8, 1911, Springfield, Ill.: Two explosions, one tearing away span of viaduct, other damaging coal company tipple; total loss, $45,000. Had wrecked bridge fallen on Alton tracks below, passenger train due at 12:30 would probably have been wrecked.

March 16, 1911, Milwaukee: Unloading hoist almost totally wrecked by dynamite; $50,000 damage. Steamer near dock damaged to extent of $1,000. Two explosions.

March 25, 1911, North Randall, Ohio: Ore conveyor almost totally destroyed by explosion of nitro-glycerin; $50,000 damage.

October 16, 1911, Gaviota, Cal.: Attempt to dynamite a bridge just previous to time special train carrying President Taft passed over it; 30 sticks of dynamite and fuse found by watchman.

Burns turned over his evidence to the district attorney at Indianapolis, who might have prosecuted the criminals on more serious charges than the federal authorities could bring against them, but he was about to return the evidence to the union when the United States Attorney General intervened.

Abe Ruef's "Paint Eaters"

Ever since the days of Dennis Kearney and his notorious "sand-lotters," labor had been thoroughly organized in San Francisco, but it was not until shortly before the earthquake of 1906 that the unions came into complete control of the municipal government. Practically every industry and, indeed, many fripperies were closed to non-union workers until there came to be absolutely no place for them in that city. While members of unions did not represent a majority of the

voting population, they were organized; the opposition was divided, with the result that they elected an entire ticket of city and county officials with the single exception of the district attorney.

Then followed an orgy of municipal debauchery, not equaled even in the days of Boss Tweed. Affairs of the city and county are administered by a mayor and a board of 18 supervisors, elected at large and corresponding to the more familiar common council of other cities.

The Mayor was Eugene E. Schmitz, who had played in the orchestra of a local theater and was a member of the Musicians' Union. Of the 18 supervisors, all but three or four were officials or members of unions. They included all sorts of trades such as drivers of bakery wagons, and in general they represented the riff-raff of a great city. Not only were they boodlers, but the majority of them were hoodlums, and they couldn't have been elected anywhere in the world except on a union vote.

This political sans-culotte was controlled by Abraham Ruef, an attorney who held no office himself, but afterwards was sent to San Quentin for bribing his own minions in office. He exercised direct control of the supervisors through a lieutenant—an attorney named Gallagher, who held the position of chairman of the finance committee.

A committee of San Francisco citizens headed by Rudolph Spreckels decided to clean up and retained the services of Francis J. Heney and William J. Burns for that purpose. Of all the city and county officials, they had only the district attorney—Langdon—with them. Burns soon trapped one of the supervisors, at least fifteen of whom were simpletons, and obtained detailed confessions from practically all of them, including Gallagher. The confessions contained such a mass of crime that Burns himself was at first disposed to doubt, and, in fact, several of the caitiffs, in their panic to escape prosecution, did confess to a few felonies they never committed.

Not only did the confessions of the supervisors involve their leader, Ruef, but in checking up the sums, it appeared that they had robbed one another by withholding more than

their rightful share of graft received. In a case where there were competing utilities in the city, it appeared that one utility had paid extortion for an exclusive franchise while its competitor was held up for a franchise that violated the terms of the first agreement. In other words, it was impossible to buy the thieves so that they would stay bought.

In all the big deals, Ruef received the money, kept his own share and turned over the supervisors' share to Gallagher, who distributed it. It was also alleged that Ruef paid the Mayor's share directly to him, but Schmitz escaped conviction on this charge, largely as the result of a technical flaw in the indictment.

The confessions of the supervisors were used to sweat a confession from Ruef, which he afterward repudiated in part, but on their confessions he was convicted and sentenced.

At the time of the investigations and trials, it was pleaded in behalf of the members of the administration that they had been seduced by offers of bribes from corporation officers. As a matter of fact, long before the crimes involving large sums were committed, everyone in the city who wanted anything from the administration was held up. If a man was arrested for public intoxication, he had to see Ruef. If he wanted a permit to place a hitching post in front of his house, he had to see Ruef. Bribes ran as low as fifty cents.

In connection with the plea of seduction, it may also be pointed out that the members of this crew owned a building, known as the "municipal crib," in the red-light district. It was a large structure, divided into small rooms, where public women worked and paid the owners as high as $5 for an eight-hour shift—a good union-day's work. It can hardly be pleaded in extenuation that these inmates seduced the administration of San Francisco or its members to erect this structure.

After the supervisors confessed, Ruef was estranged from his hirelings, and when the plea was repeated to him, he is alleged to have replied: "Seduced? Those union bums would eat the paint off a house!" And "paint-eaters" has become a term of derision for union members in San Francisco to this day.

The efforts of the prosecution were bent on the conviction of corporation officials, but they were unsuccessful and for this reason all the important culprits except Ruef escaped prison terms.

Thus ended the country's most thorough experiment in municipal government by union labor.

Union Defense of Mooney

Organized labor has always alleged that Thomas J. Mooney and Warren K. Billings, serving life sentences for a crime that resulted in ten deaths and fifty maimings and injuries, were acting as individual anarchists and not in behalf of union labor. Before considering the evidence bearing on this allegation, it will be desirable to recite briefly some union history leading up to the crime.

Patrick Calhoun, as president of the United Railroads, and Thornwell Mullally, his assistant, waged the only successful fight that had been made at that time against union labor in San Francisco by breaking the Carmen's Union in 1907. Although Calhoun was under indictment for bribery, many honest business men believe that, for his services to the city, a monument might properly be erected to his memory in Golden Gate park.

From that time the cars of the United Railroads were operated by non-union men. In 1913, Tom Mooney and his wife, Rita, made an unsuccessful attempt to organize them and precipitate a strike. The bomb that cost so many lives was originally intended for a detachment of non-union carmen, led by Thornwell Mullally who afterward commanded a regiment in the world war, the carmen forming a division of a Preparedness Day parade, in July, 1916.

Mooney and Billings had filled a suitcase with explosives and slugs with a clock device set for 2:06 p. m., the hour when the carmen would have passed, but to make more certain they first carried the device to the top of a building where it could have been thrown on the marchers. There they learned for

the first time that the hour of the parade had been changed. Knowing that the timing device would explode the charge before the carmen could arrive, they descended to the street and left the suitcase by the side of a building. It followed that most of the deaths and injuries occurred among innocent bystanders.

Now, as to the union affiliations of these anarchists: Thomas J. Mooney was a member of the Molders' Union. A few weeks before the explosion, he and his wife were arrested on the streets for circulating a pamphlet which deplored in inflammatory language the non-union character of the traction operatives. Previously, during a strike of employes, towers of the Pacific Gas & Electric Co. were blown up in Contra Costa county. Near the scene, Mooney was arrested in a row-boat containing nitroglycerine, caps and a small arsenal of firearms.

Warren K. Billings was not only a union man but a union official. He had held the office of president of the Boot & Shoe Workers' Union of San Francisco. Before his participation in the San Francisco atrocity, he had been apprehended on the streets of Sacramento with an infernal machine in his possession and sentenced to a term in Folsom prison.

Mrs. Mooney, Edward Nolan and Israel Weinberg were arrested with Mooney and Billings, but there was not sufficient evidence to connect them with the Preparedness Day murders. However, there was plenty of evidence of their association with the murderers. Nolan was a member of the Machinists' Union, and in the very month of the explosion was a delegate from the San Francisco local to the international convention at Baltimore. Weinberg was a member of the Carpenters' Union, but was driving a jitney at the time of the crime and was then a member of the executive board of the Jitney Drivers' Union.

For the purpose of defending the prisoners, obtaining new trials, securing executive clemency, provoking federal interference, investigating the prosecution and the witnesses of the prosecution, the International Workers' Defense League was organized, and it enlisted in its undertakings the support

of all the radicals from the communists of Russia to Cabinet officials of the United States.

One of the first union bodies to come to the defense of the murderers was the San Francisco Labor Council, which, with the Building Trades Council, controls the union movement in that jurisdiction.

At its conventions in 1917 and in 1918 the American Federation of Labor adopted resolutions of sympathy with the criminals. Daniel C. Murphy, a delegate from the San Francisco Labor Council to the convention, said: "Every move we have made, every influence we have exerted, at least outside the state of California, has been in cooperation with the officers of this Federation of Labor——."

The resolutions recommending executive clemency for Mooney adopted at St. Paul were transmitted to the President and the Governor by Samuel Gompers. In spite of all the cooperation, the International Workers' Defense League attacked the Federation of Labor for its want of active sympathy, to which Secretary Frey replied: "It has been trade union money that has enabled the International Workers' Defense League to carry on its work." It was not a small undertaking of which Frey boasted, because $108,000 was raised for defense, and $300,000 for propaganda. The extra allowance to aid the prosecution and punish wholesale murder that San Francisco, in the generosity of its heart, appropriated was $4,500.

One of Gompers's pet unions, organized by him to offset the unaffiliated United Mine Workers, is the International Union of Mine, Mill & Smelter Workers. The following resolution is taken from Page 62 of its official proceedings:

"Resolution: To the Officers and Delegates of the Twenty-fourth Consecutive and Fourth Biennial Convention of the International Union of Mine, Mill & Smelter Workers:

"Whereas; Within the past few weeks new revelations have developed within the jurisdiction of the court that convicted Tom Mooney and Warren K. Billings, which should receive the attention of all law-abiding citizens; therefore, be it

"Resolved; That the delegates of this convention instruct the incoming officers and Executive Board to further cooperate with the A. F. of L. for the liberation of these two unionists by a new trial, and be it further.

"Resolved; That Matthew Brady, the new district attorney of San Francisco, who defeated the notorious Fickert largely by aid of voters who wanted a square deal for Tom Mooney and Warren K. Billings, be urged upon to try the case of these two brothers before an honest jury on indictments that are still standing against them.

"Motion for resolution carried, August 7, 1920."

Among the labor organs that defend Mooney and Billings and attack their prosecution and conviction are: Newark Union Labor Bulletin, Organized Labor of San Francisco, Seattle Union Record, Chicago Labor News, Duluth Labor World, Oakland Tri-City Labor Review and World, and the Northwest Worker of Everett.

Union Supplied the "Soup"

The Amalgamated Association of Street and Electrical Railway Employes of America has probably promoted more unsuccessful strikes than any union in the country. Street car operatives are easily and quickly taught their trade, and occupy no such position of strength as the steam equipment operatives. Moreover, they can not tie up a street car system without doing immeasurably more injury to the public than to the employers. Thus, their strikes are exceedingly unpopular. From the nature of their situation they cannot make a passive strike, while an active strike is necessarily accompanied by violence to many innocent persons interested only in getting from one place to another.

The Amalgamated has been the cause, either wholly or in part, of 79 strikes in 65 cities situated in 31 states and the District of Columbia. Disorder has reached a stage where it has been necessary to call out the militia in 17 cities situated in the following 13 states: Rhode Island, New York, Penn-

sylvania, Indiana, Illinois, Minnesota, Missouri, Washington, Tennessee, Georgia, South Carolina, North Carolina and Virginia.

In few instances has it been possible to connect the union with crimes by means of legal evidence, although members as individuals have frequently been convicted, but in the strike at Atlanta in November, 1916, Amalgamated Local 732 was directly involved. On the 10th of that month, a street car loaded to capacity with people returning to their homes was wrecked with dynamite that had been placed on the track. One young woman's foot was blown off, the shoulder of another woman was torn and a young man's ankle bone was shattered. During the period of a month, a number of other cars were wrecked with dynamite.

Several members of the Amalgamated were indicted for participation in these crimes and eventually sentenced to the penitentiary.

From testimony given during the trial, it appeared that Louis P. Marquardt, president of the Georgia Federation of Trades, had advised the strikers that "the strike could not be won by Sunday-school methods." This is a common phrase with labor leaders and was used by a strike leader as recently as the railway shopmen's strike. It may not mean much to the layman, but to the unionist it is a command to commit violence, just as though a pickpocket directed another thief to "slip a hoop," or, in plain language, to steal a ring.

While the Amalgamated members were on trial, the judge ordered, over the objection of the defense, the production in court of the books of Amalgamated Local 732. The books showed that this local had paid for dynamite about the time that the street cars were being blown up.

Following the convictions, Amalgamated Local 732 was expelled from Atlanta, but in 1918 the organization was restored to power through the intervention of President Wilson. Preston S. Arkwright, president of Georgia Railway & Power Co., referred to President Wilson's action as follows:

"It was formerly the policy and practice of this company not to retain a man in its employ who was a member of the Amalgamated Association of Street and Electrical Railway

Employes of America. The company believed that this policy was essential in order to prevent strikes. Accordingly it did dismiss from its employment men who joined local No. 732.

"But, in response to the urgent request of the President of the United States, the company has recently, as heretofore frequently stated in the newspapers and to the men themselves, changed this policy and consented and consents that any of its employes who desire may join the Amalgamated Association of Local 732 or any other trade union, and it will not dismiss or refuse to employ any member of such union for membership in the union."

This action of President Wilson was in harmony with his appointment of W. D. Mahon, president of the Amalgamated, as a member of a commission to report on the rehabilitation of the electric railways of the country, although they had suffered more from Mahon than from any other single cause.

It was the attitude of President Wilson in the Atlanta and San Francisco situations that induced the late Theodore Roosevelt to write the following letter to F. R. Welsh under date of October 28, 1918:

"I already knew about that matter. President Wilson has been deliberately appealing to the criminal dynamite vote."

In the fall of 1916 a serious strike occurred among the employes of New York City's transit system. On September 9, a newspaper announced: "Samuel Gompers, president of the American Federation of Labor, is expected here from Boston tomorrow to take charge of the strike."

That night the violence began and a strikebreaker was mortally wounded. Although the disorders continued for more than a month, no one ever heard Mr. Gompers raise his voice against them. Commissioner Woods referred to the hurling of missiles as "deliberate murder," but there was no reference from Mr. Gompers.

It was about a year later, or November 12, 1917, that President Wilson, in addressing the convention of the American Federation of Labor at Buffalo, said of Gompers: "I like to lay my mind alongside of his."

And, viewing the attitude of both men toward street railway strikes and the organization that promoted them, it seems

manifest that their minds "lay alongside" to marked purpose, but whether in cerebral communion or cerebral carousal must remain among the other unsolved problems of psychology.

Getting Rid of Negroes

While organized labor usually makes a formal repudiation of the assassins it has hired or the rioters it has incited, it proceeds to defend its tools to the last ditch and even makes public apology for them after denying all affiliations. This was the attitude with respect to both McNamara and Mooney. Although there was no limit to union funds for McNamara's defense, Gompers threw him over after the conviction and excused himself on the ground that McNamara was acting as an individual and not as a representative of organized labor. The subsequent conviction of Ryan and his associates, however, proved Gompers to be a liar.

If Gompers believed that Mooney and Billings were anarchists dissociated from the labor movement, why did he permit his organization to go on record as convinced of their innocence after all doubt of their guilt was removed? Why, above all, did he permit his organization to contribute thousands of dollars to the defense of anarchists and murderers having no connection with the labor movement?

The attitude of union labor in these two cases is cited because it corresponds nicely with the attitude of the unions following the labor riots at East St. Louis in the summer of 1917. Due mostly to union propaganda, these disturbances have gone down into history as race riots, but the racial clash was a mere incident of a labor issue. Non-union blacks were attacked and butchered by union whites. If this had been a race riot, would Samuel Gompers have felt called upon to make public apology for the butchers at Carnegie Hall?

The ill feeling was first engendered at East St. Louis when the Aluminum Ore Co., whose employes had struck, imported non-union negroes to take the places of the strikers.

On the night of May 28 a delegation of 600 union men marched to the city hall to appeal to the authorities to prevent

the importation of any more negroes. Although the appeal was against negroes, it should be borne in mind that the appeal was made following the importation of strikebreakers, and, further, that the appeal was made by union men.

The crowd took possession of the auditorium and several of the leaders made speeches counseling that, in case the authorities took no action, recourse should be had to mob rule. The Mayor promised to do everything in his power to dissuade employers from recruiting negro labor. The meeting thereupon dispersed.

Up to this time, the activities had been of a purely labor nature. The crowd, which was not yet a mob, raised no objection to negro women nor negro girls. In fact, the union men, who were then loafing, raised no objection to negro loafers. Their animosity was aroused exclusively by new importations of negro labor, because there had always been a large negro colony in the city.

In justice to union labor, it should be admitted that its ranks were soon swelled by hoodlums of all affiliations and of no affiliations whatever, and it would not be proper to charge unionists with all the crimes that followed including assaults upon negro women, but the trouble had its origin in the economics of labor and unionists formed the nucleus of the mob.

After the Mayor had made his pusillanimous promise to the mob on the night of May 28, it dispersed, but later gathered and went to the negro quarter where rioting followed. In this disturbance about a dozen whites and forty blacks were hurt. Troops were called out and the city became quiet.

A few days before the more serious riots of July 2 and 3, the Central Trades and Labor Unions in East St. Louis sent out a letter to this effect: "The southern negro is being used to the detriment of our white citizens. The entire body of delegates to the Central Trades and Labor Unions will call upon the Mayor and City Council * * * and devise a way to get rid of a portion of those (negroes) who are already here."

Well, the way was devised, for more than a hundred persons were killed in the rioting that followed on July 2 and 3.

A grand jury on August 14 indicted 105 persons in connection with the riots and the bills included the names of politicians and police officials. In its report the grand jury said: "We believe the riots, at least the occurrences which led up to them, were deliberately plotted."

At a meeting in Carnegie Hall on July 6, 1917, to welcome the Russian commissioners, the late Colonel Roosevelt and Samuel Gompers were among the speakers, and the late Mayor Mitchell presided. The newspapers were filled at the time with accounts of the riots and Colonel Roosevelt, who feared lest the commissioners would gain the impression that such disorders formed the major part of the country's activities, deprecated the riots in his remarks.

When Gompers arose to speak, he said: "But I want to explain a feature of the East St. Louis riots with which the general public is unacquainted. I join with you and him (Roosevelt) and with all in expressing my detestation of any brutal conduct. But I can tell you—and I wish I had brought with me a telegram received today from Victor Hollander, secretary of the Illinois Federation of Labor—I can tell you that not only labor men but a member of the Chamber of Commerce of East St. Louis warned the men engaged in hiring negroes from the south that they were to be used in undermining the conditions of the laborer in East St. Louis."

This seems to establish in the mind of the greatest figure in the union movement the union origin of the riots.

Unique Union Cash Register

"Umbrella Mike" Boyle, business agent of the Electrical Workers' Union of Chicago, received his sobriquet for his habit of carrying an umbrella in fair or cloudy weather, and his enemies assert that he used it in lieu of a cash register. Of course, the fact that money was dropped into an umbrella adds nothing to the turpitude of Boyle's crimes, but it does impart zest to his originality. It is alleged that Boyle's victims were invited to saloons, and, when the amount of

blackmail had been agreed upon, he would be suddenly called to answer a telephone call. He would leave his umbrella hanging on the bar-rail, and while he was absent the money would be dropped into this novel pouch. It is said that Boyle adopted this unique practice so that none could testify money had actually been passed to him. If so, he must have been grossly ignorant of the law.

Boyle was first convicted of extorting money from employers some years ago and fined $500, but he continued in power and lost none of his trade union prestige. Finally he was indicted by a Federal Grand Jury, brought to trial for conspiracy, and the government introduced testimony concerning a number of crimes of this class. He was sentenced to one year's imprisonment in Bridewell, and fined $5,000.

The United States Circuit Court of Appeals, Seventh Circuit, in denying a rehearing of the case January 30, 1919, reviewed part of the testimony as follows:

"The government introduced testimony showing that Boyle on various occasions made builders pay him considerable sums of money under threats of strike or boycott. For example, one witness testified that he paid Boyle $500 to get a certain switchboard installed; another that Boyle exacted of him $3,000 in order that he might install a certain switchboard; and still another testified that Boyle required a church to pay $200 as a penalty for installing a certain electrical apparatus.

"And still another witness testified that Boyle exacted a payment of $20,000 in order to get immunity from strikes, etc., and at a time when there was no difficulty between the builder (Chicago Telephone Co.) and the employes.

"Plaintiffs in error contend that this evidence was not only inadmissible, but highly prejudicial to their case. That such testimony, if erroneously admitted, was prejudicial, must be conceded.

"For it requires no stretch of the imagination to conceive of a jury taking prejudice against a party who is thus pictured in the role of a blackmailer, a highwayman, a betrayer of labor and a leech on commerce. But the test of admissibility does not turn on its effect on the jury, but on its

relevancy to the issues made by charges set forward in the indictment."

After this commentary, the court held the evidence admissible.

After his release from Bridewell, Boyle suffered no loss of prestige in trade union circles and continued to serve as business agent of Electrical Workers' Union No. 134. Indeed, there is no reason why Boyle should have suffered such a loss, because President Wilson, who proceeded on the theory that capitalism had cornered crime, set the fashion by commuting the 12 months' imprisonment to four. There is reason for believing, however, that the President might have taken a different view of the case had he known that Boyle was worth about $500,000.

Chicago unionists, perhaps taking their cue from the President, presented "Umbrella Mike" with a $4,500 automobile upon his release from Bridewell. Safe in the possession of this sumptuous vehicle, Boyle didn't care whether the street cars ran or not, and he took care very soon that they did not.

Boyle was released from Bridewell on May 8, 1920, and on July 15, such was the power of this union leader, who had been branded by the United States Circuit Court of Appeals as a "highwayman," the surface cars serving a population of 3,000,000 people were suddenly halted, although 13,000 men were ready to operate them.

About the time "Umbrella Mike" was released from prison, the Chicago surface lines settled the grievances of 13,000 out of 15,000 employes, including the car operatives. This left about 2,000 shopmen and maintenance workers with whom settlements were still to be made. Their wage demands were taken up and they were offered late in June increases of pay amounting to 25%, or the same as had been granted the trainmen, with no change in working conditions.

The men made no immediate response to the offer, but their leaders conferred with the company officials during the second week in July. Part of them accepted the offer and part of them, including Boyle, declined. That night the unsatisfied unions took strike votes, and the first notice the company re-

cerned was when Boyle took the electrical workers out of the sub-stations. His first order to the men was to quit at 5 o'clock but he later modified that to 4.

Boyle demanded that the shops at 77th street and Vincennes avenue be closed to non-unionists. They had always been operated on an open shop basis, although, of the 500 employed there, about 150 belonged to unions. Boyle refused to continue negociations until this plant had been placed on a closed shop basis.

The question at issue was so trifling in proportion to the magnitude of the strike and the loss and inconvenience resulting that many were of the opinion that Boyle brought about the interruption to car service for the sole purpose of demonstrating to Chicago employers that he had suffered no diminution of power by reason of his brief term in Bridewell.

Brindell, Successor to Parks

Robert P. Brindell, who was the natural successor of Sam Parks, illustrates the fact that, under the existing system of trade union organization, Sam Parks will have a natural successor at recurrent intervals. As long as a small fraction of union membership enacts and enforces union legislation, and leaders handle vast sums of money without an accounting, the leadership will be corrupt. There will be prosecutions, as in the cases of Parks and Brindell, and spasmodic housecleanings, but every few years will see another Sam Parks.

Parks was a riveter and in 1898 a business agent of the Housesmiths' Union in New York. The country was on the verge of an era of prosperity, for which Parks took personal credit. He soon wielded as autocratic a power in the building trades as McCarthy in San Francisco or as Brindell in New York. In 1901 Parks spent $40,000 of union funds without an accounting; in 1902, $60,000; and in all, about $150,000. He levied blackmail right and left, called a strike that cost the Hecla Iron Works $50,000 and settled the same strike for a bribe of $2,000.

Parks' hold on his followers was such that he was re-elected after he had been indicted for blackmail, and his salary was continued after he had been convicted. While he was at liberty on bail following his conviction, unionists placed him at the head of a Labor Day parade and decorated his horse with garlands of flowers.

Brindell was president of the Dock Builders' Union, for which he was successful in obtaining concessions from employers. This organization was affiliated with the carpenters, numerically the most important in the building trades. With this support, Brindell constructed a machine among the union leaders, reorganized the old Board of Business Agents into the Building Trades Council and obtained a charter from the American Federation of Labor. In violation of the provisions of the charter, he had himself elected president for life, decreed that delegates to the council must be business agents rather than members of the rank and file, and ordered that but one copy of the minutes of the council be kept. By these strokes, he removed the council from the supervision of the constituent locals and established his supremacy over the delegates.

The indictment of Brindell, who is serving a sentence of 5 to 10 years in Sing Sing, grew out of the investigations of the Lockwood Housing Committee.

An example of Brindell's methods in entrenching himself in the local building trades field is furnished by the testimony of William Zaranko, secretary of the House Wreckers' Union. Brindell had been carrying on a war with this union which was affiliated with the American Federation of Labor with the result that the members were unable to work on many jobs. Brindell suggested that Zaranko surrender $7,000 in the treasury, for which he would receive employment at a salary of $75 a week. As a part of the proposal, each of the 1,800 members in Zaranko's union would be expected to pay an initiation fee of $50 for joining the Building Trades Council and $10 a week as long as they worked at their trade.

Following is a partial list of the sums of money extorted by Brindell from employers:

Ephraim B. Levy, 2 West 72nd St.	$25,000
Jacob Fiadus, 894 Riverside Drive	1,000
William Waixel, Tuckahoe, N. Y.	2,000
Terry & Trench, Cunard Piers	7,500
Todd, Iron & Robertson, 101 Park Ave.	32,000
Albert Hershkowitz, 7 Ave. and 28th St.	25,000
Joseph Goldblatt, 231 East 77th St.	2,000
Hyman Clompoof	3,500
George Atwell Northern Wrecking Co.	17,120
Anthony A. Paterno, 225 West 71st St.	4,750

Ephraim B. Levy was engaged in erecting a building on Seventh avenue extending from 30th to 31st streets in February, 1920, when every worker on his job was called out. Levy had in his employ a building superintendent named George Bacher, and it was through Bacher that the $25,000 was paid to Brindell to call off the strike. Many other contractors testified that they had paid money to Brindell to settle strikes. Those not members of the Building Trades Employers' Association were particularly subject to such strikes, and were required by Brindell to meet the requirements of both employers' and employes' organizations, as well as submitting to extortion.

Sidney H. Sonn, a building contractor, testified that on June 5, 1919, he began the alteration of an apartment house. The first plumbing contractor was Joseph Lipkoff, 1322 Third avenue, who undertook the work for $37,500. Lipkoff had paid his initiation fees and dues as a member of the Master Plumbers' Association but had not received written notice of election to membership. After the work had been under way for several weeks, a delegate of the Plumbers' Union called on Sonn and notified him that Lipkoff was not a member of the masters' association, which had rejected his application for membership.

After the plumbers had been called off the job, Sonn and Lipkoff called on the District Attorney, where a letter was written, but the men remained out. Sonn then made a contract with Albert E. Deischel, 584 E. 169th street, a member of the masters' association. Deischel, who also had a strike, said

to his principal: "Mr. Sonn, there are other influences being brought to bear that are stronger than I, and I must give up the job."

Deischel cancelled the contract, and a suggestion was made to Sonn that he see Jarcho Brothers, plumbing contractors, about finishing the work. Upon interviewing an official of the masters' association, Sonn was advised that Jarcho Brothers would have the moral support of the organization, and he made a contract with the firm. Sonn paid the three firms a total of $92,000 for a plumbing job that the first contractor was willing to take for $37,500.

The Stone Masons' Contractors' Association paid $200 weekly to Louis Mazzola, walking delegate of the Stone Masons' Union, in return for which the union official called at least one strike against an employer whose competition was disliked by other employers.

William K. Fertig, secretary-treasurer of the Marble Industry Employers' Association, admitted that gratuities amounting to about $5,000 had been paid to union officials.

The foregoing are a few samples of the testimony brought out by the Lockwood Committee and at the trial of Brindell who is now in Sing Sing. Brindell was not a radical, but a strong Tammany supporter and a member of his council was Alderman Keneally, a Tammany politician.

Taft Fixes Crimes on Union

Following the destruction of property owned by the Coronado Coal Co., in Western Arkansas and the murder of employes in the vicinity, the company brought suit for damages against the United Mine Workers of America et al. The case finally reached the United States Supreme Court, and Chief Justice Taft was designated to write the opinion of the court. The question of the union's responsibility for violence was stated by the Chief Justice as follows: "Whether the District No. 21 (U. M. W. of A.) and the individual defendants participated in a plot unlawfully to deprive the plain-

tiffs of their employes by intimidation and violence and in the course of it destroyed their property * * * "

After describing the plans of the company to open the Prairie Creek mine and operate it on a non-union basis, Mr. Taft says:

"Stewart, the president of the District No. 21, and other officers promptly declared a strike against the Prairie Creek and Mammoth Vein mine and the union miners who had not been discharged from the Coronado mine of the plaintiffs left. Through the agency of the officers of District No. 21 and the local unions, a public meeting was called at the school house, about a quarter of a mile from the Prairie Creek mine. The influence of the union men was exerted upon the shopkeepers of the towns named (Hartford, Huntington, Midland, Frogtown) to close their stores and attend the meeting. It was given a picnic character and women and children attended. The meeting, after listening to speeches, appointed a committee to visit the superintendent in charge of the mine. On this committee was one Slankard, a constable of the town of Hartford, and a union man, together with two other union miners. They asked the superintendent that the non-union men be sent away and the mine resume operations with union men. The committee was attended by a very large body of union miners. They were met at the entrance to the enclosure by two guards, with guns carried behind them. The committee was admitted to see the superintendent and the crowd dealt with the guards. The guards had been directed not to use their guns save to defend their own lives or another's. The union miners assaulted the guards, took the guns away, and so injured a number of the employes, that four or five had to be sent to a hospital. The crowd swarmed over the premises, forced the pulling of the fires and hurled stones at the fleeing guards. The result was that all the employes deserted the mine, and it completely filled with water which came in when the pumps stopped. One of the crowd went up to the top of the coal tipple and planted a flag on which was the legend, "This is a union man's country."

After referring to the action of the Federal District Court in granting an injunction against the union leaders and

miners, Chief Justice Taft says: "The vicinage was so permeated with union feeling that the public officers did not hesitate to manifest their enmity toward the non-union men, and made arrests of the guards and others who were in Bache's (company president) employ upon frivolous charges. Rumors were spread abroad through the county that the guards employed by Bache were insulting and making indecent proposals to very young girls in and about Prairie Creek, and P. R. Stewart, the president of District No. 21, in the presence of some ten persons on the public street of Midland, in the latter part of May, denounced the guards for these insults and proposals, and said that he would furnish the guns if the people would take them. The evidence also disclosed that through the secretary-treasurer of District No. 21 some forty or more Winchester rifles were bought from the Remington Arms Co. and secretly sent to Hartford for the purpose intended by Stewart. They were paid for by a check signed by Hull, the secretary-treasurer of District No. 21, and countersigned by Stewart, the president. * * * "

Continuing, the Chief Justice says: "The evidence leaves no doubt that during the month of June there was a plan and movement among the union miners to make an attack upon Prairie Creek mine No. 4 * * * On Sunday night, July 12, about midnight, there was a fusillade of shots into the village of Frogtown, a small collection of houses, already mentioned, about a mile and a half from Prairie Creek mine. A number of people in fright at the cry that 'the scabs were surrounding the town' left and went to Hartford, about two miles away, and thereafter guards were put out at Hartford to defend that town against attack by guards at Prairie Creek. The ridiculous improbability that the guards at Prairie Creek who were engaged in protecting themselves and the property and in constant fear of attack should make this unprovoked assault upon the town of Frogtown, is manifest from the slightest reading of the evidence, and there crept in through a statement of one of the defendants, an active union man, to a witness who testified to it, that this shooting had been done by the Hartford constable Slankard and himself, in order to arouse the hostility of the neighborhood against the

men at Prairie Creek. On the night of the 16th, the union miners' families who lived in Prairie Creek were warned by friends to leave that vicinity in order to avoid danger, and at 4 o'clock the next morning the attack was begun by a volley of many shots fired into the premises. A large force with guns attacked the mining premises from all sides later on in the day.

"The first movement toward destruction of property was at Mine No. 3, a short distance from No. 4, where the coal washhouse was set on fire. The occupants of the premises were driven out except a few who stayed and entrenched themselves behind coal cars or other protection. Most of the employes and their families fled to the ridges behind which they were able to escape danger from the flying bullets. The forces surrounding the mine were so numerous that by 1 o'clock they had driven out practically all the defenders and set fire to the coal tipple of Mine No. 4, and destroyed all the plant by the use of dynamite and the match.

"The assailants took some of Bache's employes prisoners as they were escaping, and conducted them to a log cabin behind the school house near the mine to which reference has already been made, and where the first riot meeting was held. The four or five prisoners were taken out of the cabin where they had been for a short time confined, and two of them, one a former union man, were deliberately murdered in the presence of their captors, by a man whose identity it was impossible to establish. The evidence in this case clearly shows that Slankard, the constable at Hartford, was present at the killing, and that the men who were killed were in his custody on the way, so he said, to the grand jury. He was subsequently tried before a Sebastian County jury for murder, and was acquitted on an alibi. Slankard, though a defendant and in court, did not take the stand in this case. The overwhelming weight of the evidence establishes that this was purely a union attack, under the guidance of District officers.

"The testimony offered by defendants to show that it was only an uprising of the indignant citizens of the countryside really tended to confirm the guilt of District No. 21. Its

palpably artificial character showed that basis for it had been framed in advance for the purpose of relieving the officers of District No. 21 and the union miners of that neighborhood from the responsibility for the contemplated execution of their destructive and criminal purpose."

Bandits Frame Union Demands

Early in 1919, George Bowen, an organizer for the International Association of Machinists, went to Cincinnati and proclaimed that he would put that city on the union map—not the union of the 48 states, on whose map Cincinnati had long been decipherable, but the union of labor. Among his assistants were Joseph C. Haering, business agent of the Machinists' Union, and A. Eisermann, assistant business agent.

In August, 1919, the work of organization having progressed, wage demands were made on employers of machinists and signed by a "general wage committee," consisting of William C. Ripberger, Gus Steinhaus, Frank Solderits, Frank Dreier and Chas. Eder.

The communist party of Cincinnati, in November of the same year, was circulating seditious literature, and several of those engaged in the preparation and circulation had been convicted of sedition in the federal court and were at liberty on bond pending appeal. It was at this time that 300 ex-service men raided the headquarters of the communists, situated in the same room with the headquarters of the Machinists' Union, the space being rented by the union to the communists.

Following the raid, Lotta Burke, secretary of the communists, who had been convicted of sedition, brought suit for $50,000 against the American Legion and its members. During the trial of this case, a list of members of the communist party was produced in court, and among them were the assistant business agent of the Machinists' Union, and three of those who had signed the wage demands—Solderits, Dreier and Eder.

In May, 1920, strikes were called in about 100 factories, and about 10,000 workers were thrown out of employment—many of them against their will. The usual violence followed and consisted mainly of assaults on non-union workers, although in one instance an official of an employing corporation was attacked. While a partial list of the acts of violence has been compiled, it is too long to insert here.

The strike was called off on September 15, 1920, when the union officials recommended that the men return to work. It subsequently developed that the union officials were making accusations against one another, and in November or December the treasurer and the financial secretary were arrested at the instance of the business agent on accusations of embezzling about $15,000. Joseph A. Haines, the financial secretary, was tried and the case dismissed. On November 28, 1921, Haines ended his life by firing a bullet through his head.

Early in May, 1922, the body of Stephen Solderits, machinist and brother of Frank Solderits, who was one of the "general wage committee" that signed the demands on the employers August 30, 1919, was found floating in the Ohio river with a bullet hole in the head. On investigation, it developed that Stephen Solderits had been one of a gang of payroll bandits who held up the paymaster of the J. H. Day Co., on April 22.

From the confession of Mike and Frank Solderits, brothers of Stephen, it developed that he was killed by William Kirchoff, paymaster of the J. H. Day Co. Part of the confession of Mike Solderits follows:

"One of the bullets fired by Kirchoff, the paymaster, hit Stephen in the temple. Stephen was driving. I took the wheel, and we drove to 2633 Yost avenue, Frank's home. We wrapped Stephen in a blanket and carried him into the house. He died in 15 minutes. We wanted to keep mother in ignorance of what had happened. We took all his clothing off so that the body could not be identified. But we did not like to dispose of it naked, so we put a pair of pants on him. Early Sunday morning we put the body in a machine and went to

the Chesapeake & Ohio bridge, where we threw the body into the river."

Mike Solderits also told about going to a hardware store and buying three window weights and wire with which the body was to be sunk.

How a good unionist enforced his demands appears from the confession of the other brother, Frank Solderits, who told the detectives that he, his two brothers, and another bandit had also held up William Emerich, paymaster of the J. A. Fay & Egan Co. on October 18, 1921, and the Max Wocher Co. on February 4, 1922. The first robbery netted $5,000 and the second $1,325.

Mike and Frank Solderits each received sentences of 20 years in Ohio penitentiary on their pleas of guilty to robbery of the paymaster of the J. H. Day Co.

It was partly on the testimony of the two surviving Solderits brothers that Jacob Reichert, business agent of the Amalgamated Clothing Workers of America, was convicted of assault with intent to kill two non-union workmen who refused to join the striking garment workers. Reichert was sentenced on June 1, 1922, to 15 years—the extreme penalty for the crime—in Ohio penitentiary. Both the Solderits, union machinists, testified that Reichert employed them to slug non-union workers.

For the benefit of readers, who, having followed the record thus far, might be led to believe that the Solderits brothers were acting, not as simple highwaymen in holding up paymasters, but as unionists using extra-judicial measures to enforce upon recalcitrant employers the union check-off system, it is fair to state that there is no evidence warranting the belief.

Union Butchers at Work

Oklahoma City enjoys the distinction of having devised the policemen's union—an experiment that was later followed by Boston, where it failed wretchedly. But there was

not the prompt and effective opposition that followed the Boston attempt, with the result that Oklahoma City was long given over to riot and disorder.

The attempt to unionize the police was made soon after the election to the office of mayor of J. C. Walton, who possessed strong union sympathies, and, indeed, his opponents declared that he sympathized with activities much less defensible than honest unionism. But the opposition was so strong that Policemen's Union No. 1, affiliated with the American Federation of Labor, could not survive and it was dissolved.

The seed of trouble had been sown, however, and in spite of the fact that 95,000 of the 100,000 population was non-union, the city, with the passive and active aid of the administration and the police, was given over to anarchy that culminated in the murder of two non-union butchers and a woman and the sentence of half a dozen union butchers and sympathizers to imprisonment for life.

When one reflects on the culmination of this affair, there is cause for inquiry as to just how deeply unionism is indebted to Mayor Walton for his sympathetic attitude, and unionists may well pray to be delivered from such friends.

The members of the Butcher Workmen's Union, about 1,000 in number, left their employment with Wilson & Co. and Morris & Co. on the morning of December 5, 1921. The packers, who were entitled to protection from violence without any special assessment, nevertheless paid the Mayor of Oklahoma City $2,690.10 for such protection. When one considers the subsequent happenings, it is difficult to see how this money was spent.

From the beginning, the police, not only manifested sympathy with violence and disorder, but actively abetted crime. The first day of the strike two workers were attacked by 400 or 500 pickets (note the safe odds), but no arrest followed, although a large detail of police was present. Subsequently, scores of assaults with deadly weapons took place on the main streets of Oklahoma City within the sight and hearing of uniformed police.

Girls from the plants were grossly insulted, dragged to

the union hall and threatened with violence unless they signed applications for union membership. Conditions became so bad that the packers were finally forced to transport their employes to and from the plants in taxicabs.

After this, the strikers began stoning the motor cars, but the aim of many of them was inaccurate. It was at this point that the police came to the aid of the strikers. On the word of a special investigator representing Governor Robertson of Oklahoma, he saw a policeman chide a picket for hurling a missile back of an automobile and directed the rioter to aim ahead of the moving cars.

When the packers began to use armored cars, the strikers turned their attacks to the homes of loyal employes, and a number of innocent women and children were injured by missiles and flying glass as the result of these attacks.

According to the confession of Robert Allen, a negro and a striking butcher, a group of strikers and strike sympathizers met on the night of January 14, 1922, at Butcher Workmen's Hall, the union headquarters, and planned the expedition that ended in the lynching of Jake Brooks, employed by the packers, and a cousin of Allen.

The murderers left union headquarters in automobiles and proceeded to the home of Brooks, whom they forced into one of the machines. Driving several miles from Oklahoma City, the union butchers and their friends hanged Brooks to a tree with a rope that they had brought for that purpose.

Brooks was lynched on Saturday night. On the following day, according to a statement made by Mayor Walton at a mass meeting the following week, city police were scouring the country looking for Brooks' body. Although no announcement was made from police headquarters, the Mayor's statement seems to imply that he had reason to believe Brooks had been murdered.

Whether he entertained such a suspicion or not, Mayor Walton and two of his political associates, on the Monday following the lynching, donated $800 worth of groceries to the strikers, and in speeches at Butcher Workmen's Hall, where the lynching party had organized, expressed their sympathies with the strikers' cause.

Brooks' body was discovered three days after the lynching and it soon became apparent that no attempt at prosecution of the criminals could be expected from the local authorities. Thereupon Governor Robertson placed the prosecution in the hands of an assistant attorney general and sent a special investigator to the scene. Efficient aid was also lent by the county sheriff.

The confession of Robert Allen implicated Nathan Butler, another negro, and Charles Polk, Elmer Yearta, J. V. Harris, Lee Whitley and Robert McAllister, white men. All those implicated were strikers or strike sympathizers.

Whitley, Polk, Yearta, Allen and Butler pleaded guilty to murder and were given life sentences. Polk, after being sentenced for life, withdrew his plea. Oscar Smith, who was not implicated by Allen, was afterward arrested and pleaded guilty to being a member of the lynching party. He was sentenced for life.

It will be observed that in this affair several white men joined two negroes, one a cousin of the victim, to murder another negro, so that the racial element was entirely lacking.

Ex-Convict as Organizer

The American Federation of Labor in 1919 made a general and an intensive campaign to organize the workers in the steel industry. During that campaign, the Federation employed Frank M. Ryan, former president of the Bridge and Structural Iron Workers and ex-convict, as a general organizer in the Chicago district.

In justice to Ryan, it should be said that crime was no more general in his district than in many other districts where the "work" was directed by other organizers who, if criminals, had not been convicts.

Most of the violence occurred in districts of which the following cities and towns are centers: Chicago, Ellwood, Ind., New Kensington, Pa., Bridgeport, Martin's Ferry, Cleveland, O., and Birmingham, Ala.

The peculiarities of the disorder in the Chicago district were the numerous attempts to intimidate wives of non-union employes by visiting them at unseasonable hours of the night and morning and threatening their absent husbands with death if they remained at work. It will readily be seen that this campaign was capable of a devilish effectiveness by bringing to bear on loyal workers the pressure of their loved ones, and it is difficult to see where such a satanic device could have been worked out except in the abandoned atmosphere of a Federal prison.

The following is an abstract from the affidavit of Mrs. Anniela Banicki, the mother of six minor children:

"Mrs. Anniela Banicki deposes on oath that she and her husband have six minor children, that her husband has been employed by the Illinois Steel Co., for about 31 years, that on September 27, 1919, three men, wearing union badges, knocked at her door, that when she answered the call one of them pointed a revolver in her face and told her that if she did not get her husband away from the South Works of the Illinois Steel Co., they would kill him and her.

"She also deposes on oath that on September 22, three men, wearing union badges, had come to her front door and threatened death to herself and husband if he did not quit his employment at the above mill, and that again on September 23, two men, wearing union badges, had called and threatened her and her husband with death. She deposes under oath that by reason of said threats and action of pointing the pistol at her face she was in constant fear of her life and the lives of her husband and children, and suffered extreme mental anguish therefrom."

"Mrs. Tillie Tyma deposes on oath that on October 1, 1919, she was on the sidewalk opposite her house when a Mrs. Baske and her two daughters, living in the next house, used violent, abusive language to her and referred to her husband as a 'scab,' and that Frank Baske, a striker, rushed out of the house and kicked her, and attempted to kick her again, but that she escaped."

Affidavits by Theresa Matusek, Lena Michau, Annie Moses, Elizabeth Quinn and Elizabeth Toth, all wives of steel

workers, set forth that the women were warned by union men in person, or by word sent by proxy, on dates between September 24 and October 2, 1919, inclusive, that their husbands would be killed if they persisted in working for the Illinois Steel Co. Each of the affiants tells of being awakened from sleep at hours ranging from 11 o'clock, P. M., to 3 o'clock, A. M., by the sound of breaking glass, and found that their homes had been stoned, windows broken, etc.

Caroline Larson, Nellie Person and Antonia Melcher, wives of steel workers, made affidavits that men had called at their homes on September 28, 1919, and warned them that their husbands would be killed if they did not stop working for the Illinois Steel Co.

Louise Sterling and Josepha Weuzer, wives of steel workers, deposed that on September 28, 1919, threats were made their houses would be burned if their husbands did not stop working for the Illinois Steel Co.

Mrs. Michalina Zaniewski deposed on oath that two men came to her home on September 24, 1919, and told her if she did not get her husband to quit working for the Illinois Steel Co., "they would cut his ears off; that they also threatened to place a bomb under the building in which she lives, and blow it up."

The foregoing statements made under oath are a few of scores of similar ones embodying threats to kill, to destroy homes at night by fire or explosives, to multilate living bodies and other acts that one would not expect except from the cruelest Indians in their most atrocious moods.

Few of these threats, of course, were carried out, but their great numbers and the general similarity in their nature show that they could have resulted only from a prolonged and systematic campaign.

Arch-Criminal as Business Agent

How far the public can rely on the labor unions to punish their criminal officials and members, as Samuel Gompers advocates, is shown by the re-employment of J. J. McNamara,

some time after his release from San Quentin prison, as business agent of Bridge & Structural Iron Workers' Local, No. 22, of Indianapolis, the same organization that he served as international secretary and treasurer before his imprisonment.

The cases of the McNamara brothers and McManigal were quite different from those of Mooney and Billings. In the first place, there was no question about the close union affiliation of the McNamaras, and the close affiliation of their individual organization with the American Federation of Labor. Although Mooney and Billings were members of labor union organizations, their affiliations had not been as close as those of the McNamaras. Moreover, little doubt was expressed even in union circles after the evidence came out concerning the guilt of the McNamaras. There was no room for honest doubt in the cases of Mooney and Billings, but very wide expression was given to a feigned doubt. To be sure, in the first weeks after the arrest of McNamara, Gompers did rant a good deal about the conspiracy to crush organized labor, but when he knew the weight of the evidence, he was the first to turn on the McNamaras and repudiate them in the name of organized labor.

The Bridge & Structural Iron Workers are still affiliated with the American Federation of Labor, and it is certainly pertinent to inquire why Gompers permitted the re-employment as business agent of one of the most notorious felons in the annals of American crime.

The Capitol Transfer Co., of Indianapolis was at work on a contract in the summer of 1922 for dismantling a plant at Scottsburg, Ind., and re-erecting it at Indianapolis for the Duesenburg Automobile & Motor Co. It was an open-shop job. According to J. R. Skinner, president of the Capitol Transfer Co., while the concrete foundations were being laid, he received a visit from J. J. McNamara, representing as business agent the Indianapolis local of the Bridge & Structural Iron Workers. McNamara inquired what Skinner intended to do about the employment of iron workers on the job, and Skinner replied that he could not give a definite answer until he had consulted other members of his firm.

After the iron work had gotten under way, the president of the firm received a second visit from the union business agent, and Skinner quotes McNamara as saying that there would be "contention on the job" as long as no iron workers from Local No. 22 were employed.

Following these conversations, Skinner appealed to the Board of Public Safety for police powers. These powers were offered him for his place of business, but they would be void where the construction work was going on. He was assured, however, that he would receive police protection.

The Farmers' Terminal Grain & Feed Co.'s elevator was burned to the ground and several other buildings were damaged on the night of September 19, 1922, causing a loss estimated at $100,000, and at the same time the steel work of the building under construction for the Duesenburg Automobile & Motor Co., less than two blocks distant, collapsed.

City detectives expressed the belief that the elevator had been ignited in order that wreckers, operating under cover of the fire and its attendant excitement, might destroy the steel work on the Duesenburg plant with little fear of detection. Whatever may have caused the fire—and the theory of the detectives is not unplausible—there is no doubt about the cause that wrecked the building.

The steel work had progressed to a point where the side columns were in place and a truss at one of the ends had been raised. A gin pole had also been placed for hoisting trusses and other framework. Nuts had been removed from bolts at the base of the columns on the west side of the building, and the guy ropes of the gin pole had been cut, causing the pole to fall and carry with it the truss and several columns.

As far as property damage was concerned, this was a trifling loss compared with the losses resulting from the long list of outrages committed by the Bridge & Structural Iron Workers from 1906 to 1911, but, coming just as it did, and following a veiled threat from J. J. McNamara, it calls loudly upon the president of the American Federation of Labor for an explanation of the employment by one of the Federation's affiliated unions of this arch-criminal.

Union Instigated Herrin Massacre

The causes leading up to the Herrin massacre, the nature of the crime itself—one of the most heinous in the history of trade unionism—the negative attitude of local and state officials towards investigations and prosecutions suggest that Illinois has not changed much since the days when President Cleveland was forced to fill the state with Federal troops over the protest of Governor Altgeld. The story of the crime itself must be reserved for another article, but some of the events leading up to it will be considered here and more particularly the public statements of union leaders and their organs before and after the crime, because this massacre was undoubtedly incited, whether wilfully or not, by the national head of the coal miners, and was certainly condoned by the Illinois head.

Williamson county, where the crime occurred, has a population of about 60,000, of whom more than three-fourths are union miners or members of miners' families or by other ties reflect union sentiment. All business exists by virtue of union custom and all office-holders are elected by union votes.

Sheriff Melvin Thaxton, who refused to swear in deputies or call for the National Guard, although repeatedly urged to do so by Colonel Hunter, representing the Adjutant General, is a former coal miner and owes his position to the union vote. The political "boss" of the county is State Senator William J. Sneed, president of the sub-district of the United Mine Workers of America. Under Sneed's control, the union vote was thrown in the last election to Governor Len Small, although it had previously gone to another political faction. This may account for the fact that the Attorney General, unable to obtain state funds, had to pledge his personal credit to carry on an investigation of the massacre until commercial bodies came to his financial aid. William M. McCown, county coroner, was a union miner and is a union sympathizer.

There was some doubt concerning the status of strip miners employed by the Southern Illinois Coal Co., whose employes were the victims of the massacre, and on June 18, 1922, Senator Sneed wired to John L. Lewis, international

president of the U. M. W. of A., for an official ruling. Following is Lewis' reply:

"Indianapolis, Ind., June 19, 1922.

"William J. Sneed, Pres. Sub-District 10, District 12, U. M. W. of A.

"Your wire of 18th, Steam Shovel Men's Union was suspended from affiliation with American Federation of Labor some years ago. It was also ordered suspended from the mining department of the American Federation of Labor at the Atlantic City Convention. We now find that this outlaw organization is permitting its members to act as strike breakers at numerous strip pits in Ohio. This organization is furnishing steam shovel engineers to work under armed guards with strike breakers. It is not true that any form of agreement exists by and between this organization and the mining department or any other branch of the American Federation of Labor permitting them to work under such circumstances. We have, through representatives, officially taken this question up with officers of the Steam Shovel Men's Union and have failed to secure any satisfaction. Representatives of our organization are justified in treating this crowd as an outlaw organization and in viewing its members in the same light as they do any other common strike breakers.

"John L. Lewis."

The strip miners having been classed as outlaws, or beyond the protection of the law, the inference naturally followed that they were proper subjects for the bludgeon, bullet and rope.

On June 20, the telegram was published in the "Marion Daily Republican" and the "Herrin Journal," the two leading papers in the county, and thus its contents became known to practically every union miner and sympathizer. On the afternoon of that day, the miners held a mass meeting at the Sunnyside Mine. Colonel Hunter notified Senator Sneed of the meeting, and Sneed replied: "I know about it. There is no cause for alarm."

On June 21, an indignation meeting of miners was held in the Herrin cemetery at which the Lewis telegram was

read. Soon afterwards a mob raided three hardware stores in Herrin and obtained guns, rifles and 5,000 rounds of ammunition.

Walter M. Sims, editor of the "Christopher Progress," issued in a mining town fourteen miles from Herrin, wrote:

"The trouble (massacre) followed an indignation meeting held just outside of Herrin on a road to the mine Wednesday morning (June 21) following the publication of a telegram from John L. Lewis, president of the United Mine Workers, which stated that the workmen at the strip mine who are members of the Shovel Men's Union were 'common strikebreakers.'"

Before the massacre, many prominent business men of Marion and Herrin, hearing miners on the streets talking excitedly about the message from Lewis, expressed the certainty that a violent outbreak was not far distant. One business man was quoted as saying: "When Lewis officially told them (union miners) that those fellows out at the Lester mine were to be treated like any other strikebreakers, I should say it was about the same thing as saying: 'Hike out there to the mine and clean 'em out.'"

Even more significant were the union utterances following the massacre. The local members of the United Mine Workers of America own an organ known as the "Williamson County Miner," and Editor Drobeck was a witness of the massacre. Writing in his publication, he said:

"At daybreak the 3,000 armed citizens, realizing that the future peace of their county was at stake, formed what has been termed by many one of the neatest columns of troops ever seen in this vicinity, worked their way into the stronghold of the outlaws and captured those that remained alive. Several of those that were taken from the pit alive were taken to the woods near Herrin, where later they were found dead or dying. There were no riots, merely the citizens of the county acting in the only way left them for the safety of their homes. The faces of the men who were killed in the disturbance are horrible sights. Uncouth, as all crooks must be at the beginning, they were doubly unattractive as seen

after justice had triumphed and the county had again resumed its normal peace-time behavior."

But it took Frank Farrington, president of the Illinois Mine Workers, to bring trade unionism squarely to the defense of the Herrin massacre. The last paragraph of a statement of his on the trials of the murderers, issued as late as October 28, reads:

"The fundamental principles of unionism are to be attacked in the Marion courthouse and all the forces whose selfish ends will best be served by destroying unionism in America are being moved up for the attack."

Unionists Slay under White Flag

There is one marked difference between American Indians in a savage state and American unionists in a civilized state. The Indians gave no quarter and sought none. The unionists, giving no quarter in conflict, seek every advantage to be gained by arbitration. When unionists outnumber the enemy ten to one, it is a finish fight; when unionists are outnumbered in any ratio, it is a parley. Facing a handful of non-unionists, the population of Williamson county roared with anger; facing the aroused opinion of 100,000,000 people, the same population whines like a puppy.

The first hostile act of the union miners occurred on the morning of June 21, when shot guns were discharged from ambush at a truck load of non-union miners being transported from Carbondale to the Lester mine. Some of the non-unionists were wounded and taken to the Carbondale hospital. Colonel Hunter, who had made several unsuccessful attempts to have the adjutant general move troops to Marion and to have the union sheriff swear in additional deputies, made another appeal to the sheriff on the morning of June 21 to call for troops. Sheriff Thaxton replied that he had the situation well in hand, and State's Attorney Duty, another union sympathizer, advised the sheriff not to call for troops under any circumstances.

From that time on Sheriff Thaxton kept out of sight. After the assault on the Carbondale truck he could not be found. When stores in Herrin and Marion were raided for guns and ammunition, Colonel Hunter tried to get in touch with him but was unable to do so. When 500 shots had been exchanged between unionists and non-unionists at the Lester mine, Colonel Hunter again tried to reach the sheriff, but could locate only a deputy who said he could handle the situation. McDowell, the mine superintendent, was in telephone communication with Colonel Hunter, who was kept informed of the progress of the battle. Colonel Hunter, in turn, was in telephone communication with Adjutant General Black, who advised Hunter to "see that the sheriff gets on the job."

The apathetic attitude of public officials before and during the battle at the strip mine, the refusal of the local officials to conduct an investigation and prosecutions after the massacre, as well as the refusal of state officials to finance the efforts of the attorney general, force the conclusion that most of the public officers of Williamson county and some of the public officers of Illinois were knowingly committed to a policy that would best serve the purpose of unionists in wreaking vengeance on non-unionists.

Late in the afternoon Colonel Hunter got McDowell on the telephone, and, finding no deputies had arrived, advised the mine superintendent to arrange a truce, even outlining the terms. McDowell's offer was put up to Fox Hughes, subdistrict vice president of the U. M. W. of A., and the ranking union official available in the absence of Senator Sneed. In answer to a question by Hunter, Hughes said he thought the terms would be acceptable to the union miners who were attacking.

Colonel Hunter advised McDowell to raise a white flag after he had been assured by Hughes that he (Hughes) and two other union officials—Willis and Davis—would go to the mine under their white flag. McDowell telephoned to Hunter that white flags were flying and firing had ceased. Shortly after, Hughes and Willis appeared at the office of State's Attorney Duty at Marion, and sent for Colonel Hunter and his

aide. Hunter saw Sheriff Thaxton there for the first time since the disorders started. Hughes announced that both sides had white flags up at the mine and firing had ceased.

Besides the hoisting of white flags, the terms of the truce provided that the strip miners were to be afforded protection in getting out of the county and the mine not damaged, while the mine was to be closed for the duration of the strike.

Engineman Tracy, who hung out the white flag, said he was shot at about 50 times while getting out the sheet, the firing gradually subsiding. He added that the "miners' president had not appeared after all." Sniping, he said, continued throughout the night and he could hear the unionists being drilled in military tactics by their leaders.

Leaving a conference on the evening of June 21, between Hughes, Willis and Sheriff Thaxton, Colonel Hunter asked the sheriff if he felt sure he could maintain his part of the truce. Thaxton replied that he had deputies at the mine and he felt sure the truce would be observed and the trouble ended. Hunter still felt uneasy, dynamite blasts were heard from the direction of the mine, and he again asked Thaxton to send for troops to protect the prisoners. The sheriff refused. Colonel Hunter then asked the sheriff to go to the mine and this request also was refused.

At 8 o'clock the next morning the office of the sheriff was still locked and a half hour later Colonel Hunter found him in a public square. Hughes and Willis, who had promised to be members of the sheriff's party, were not to be found. Colonel Hunter, Major Davis, the sheriff and a deputy then started for the mine.

The strip miners surrendered under the truce as agreed on the morning of the 22nd. A man known as "Mac" first stepped out and was fired on. He returned and marched out again with a white apron tied to a broom. Engineman Tracy said he heard several attackers say no harm would be done if the non-unionists walked out and laid down their arms. They even shouted they would put the strip miners on a train and send them home.

The details of the slaughter will be related in another article, but it may be said here that when the sheriff's party arrived at the mine that morning the massacre was taking place two miles away in the woods.

Unionists Mutilate Bodies

There are many horrible details in connection with the Herrin massacre that mark it as the most atrocious crime in the name of American union labor, such as the savage mutilation of bodies, but as there is no desire here to color the facts, they, as determined by the Grand Jury, will be permitted to speak for themselves.

Beginning with the surrender of the strip miners, the Grand Jury report follows:

"A long range conversation was held and it was agreed by a spokesman from the attacking party that safe conduct would be accorded the men if they laid down their arms and would march out with hands up.

"This was done and from behind the earth embankments created by the steam shovel operators came a great number of armed men and more from the surrounding hills until the forty-seven surrendering men were surrounded by many hundreds of men, mostly armed.

"The captive men were marched down the road toward Herrin in double file. After they had marched about one mile, Supt. McDowell, being crippled and unable to keep up with the procession, was taken aside by members of the mob and shot to death.

"The remainder of the captives were marched on the public road and were stopped at the power house of the interurban railroad, about three miles from Herrin. Here a change in leadership took place and the man who had guaranteed the safety of the men who had surrendered was deposed and another leader installed.

"The new commander ordered the captive men to march into the woods adjacent to and around the power house. Here

the new leader directed that only those in the crowd who had guns should follow into the woods and those who were unarmed should remain without.

"The surrendered men were then marched some 200 yards back of the power house, to the vicinity of a barbed wire fence, where they were told they would be given a chance to run for their lives, under fire.

"The firing began immediately, and thirteen of the forty-seven non-union men were killed and most of the others severely wounded.

"The mob pursued those who had escaped, and two were hung to trees, six were tied together with a rope about their necks and marched through the streets of Herrin to an adjacent farm, where they were shot by the mob and the throats of three were cut. One of the six survived.

"The atrocities and cruelties of the murderers are beyond the power of words to describe. A mob is always cowardly, but the savagery of this mob in its relentless brutality is almost unbelievable. The indignities heaped upon the dead did not end until their bodies were interred in unknown graves."

Concerning the laxity or sympathy of public officials and particularly the adjutant general of the state and the sheriff of the county, the Grand Jury said:

"The state administration undoubtedly realized the acute situation by sending to Williamson county Colonel Hunter of the adjutant general's staff. This representative of the state government testified that he recognized upon his arrival in Marion the imminence of a conflict and immediately asked the adjutant general to send state troops to protect the property and conserve the peace.

"This request Col. Hunter renewed several times before the actual conflict, and was invariably asked by the adjutant general of Illinois if the sheriff of Williamson county had asked for troops. The adjutant general denied his authority to order them to Williamson county except upon the sheriff's request, which, as your honor knows, is not the law.

"Melvin Thaxton, the sheriff of Williamson county, is the

holder of a card in the miners' union and a candidate for county treasurer at the forthcoming election.

"Either because of loyalty to the union or from fear of injuring his candidacy the sheriff would make no demand for troops nor did he take adequate measures to preserve the peace.

"From the evidence heard, the attack of June 21 upon the men employed at the strip mine was the result of a conspiracy which had several days in the perfecting, the object of which was the closing of the strip mine.

"Sheriff Thaxton could not have been unaware of the development of this plan."

On this subject the Grand Jury says again:

"The adjutant general's office and the sheriff's office alternated in passing responsibility, with neither taking decisive action to prevent disorders and protect property."

After quoting the telegram of John L. Lewis to Senator Sneed, the report of the Grand Jury says:

"Following the publication of the telegram from President Lewis preparations for an attack upon the mine were made. The hardware stores in all the cities of Williamson county were searched for firearms. The weapons were either taken by force or upon a verbal assurance that the local (union) would pay for them."

The foregoing extracts leave no doubt that the Grand Jury was convinced the Herrin massacre was not a spontaneous outbreak but a conspiracy promoted by union officers of high and low rank some of whom were public officials and some of whom were not and by union members holding public office.

The Grand Jury returned indictments against 44 persons for murder, 58 persons for rioting and 44 persons for assault to murder.

Rail Unions in Wholesale Murder

The strike of the shop crafts employes of the railroads, beginning July 1 and settled early in September, was an illegal strike from the first, because the walkout was in pro-

test against an award of the United States Railroad Labor Board following an arbitration proceeding to which the employes had become voluntary parties. Although the contest was referred to as the "shopmen's strike," these shopmen belonged to several unions depending upon the individual trades of the members, all the unions being affiliated with the Railway Employes' Department of the American Federation of Labor. The strike, therefore, was promoted and conducted by the American Federation, the largest body of trade unionists in the country.

It is doubtful whether any preceding strike ever involved so many kinds of and such widespread violence, or entailed such financial loss and personal inconvenience upon so many persons in such widely-separated places. A summary of the effects of this strike follows:

25 murders, some of men, women and children who were not opposing the strikers;

12 passenger trains abandoned in southwestern desert and hundreds of passengers, some aged, some babies in arms, some seriously ill and among them a woman in confinement, forced to exist in terrific heat for periods of one to four days;

950 mail trains forced to discontinue;

$75,000,000 loss incurred by California fruit growers;

bridges and other property dynamited and burned;

spikes removed from rails causing wrecks in some instances;

5,000 air hose cut from cars carrying coal from non-union mines;

5,500 United States special deputy marshals required to protect movement of mails.

Following is a partial list of the killings reported by United States marshals and United States attorneys and contained in an exhibit to the application of the Attorney General for a restraining order against the strikers:

Negro railroad employe killed at Birmingham, Ala., July 9, and L. K. Randall, strike picket arrested in connection with killing.

Striker killed and two others injured at Van Buren, Ark., August 2.

Two negroes shot, one dying next day, in fight at Atlanta on August 6 between strikers and employes of Georgia Railroad.

Chief special agent of Elgin, Joliet & Eastern killed and sheriff wounded at Joliet, August 7.

Employe of Illinois Central killed on way to work on August 4.

Strike breaker killed at Centralia, Ill., August 9 and it was alleged he was shot by chairman of grievance committee of shop crafts.

Negro killed at Somerset, Ky., August 21.

Santa Fe watchman shot and killed at Leighton Junction, Mo., July 28.

Two New York Central shopmen killed by strikers at Cleveland, August 10.

One man fatally stabbed at Central shops at Toledo, July 27.

One man killed at Willard, O., July 10.

Negro strike breaker murdered on Frisco lines near Memphis, August 17.

Two negroes fatally shot at Hulbert, Tenn., August 11.

Two negro strike breakers on Illinois Central killed at Memphis, July 26.

Negro working for Southern Pacific assaulted July 15, at Houston and later died.

Employe of Seaboard Air Line killed near Portsmouth, Va., August 15.

One man killed at Harrisonburg, Va., August 17.

The list of assaults and kidnappings in the Attorney General's exhibit fills ten printed pages and includes acts of violence in Alabama, Arkansas, California, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Washington, West Virginia, Wisconsin.

Most of the cases of assault were not simple in their nature but in most of them there was an intent to commit murder. Men were bound and thrown into rivers, left unconscious upon tracks where there were approaching trains and otherwise placed in positions where escape was doubtful.

Among the cases of sabotage cited in the Attorney General's exhibit were the following:

Four bombs rolled into Southern Pacific yards at San Francisco on night of August 13.

Five bombs exploded in yards and roundhouse of Southern Pacific at Roseville, Cal., August 12.

Four bombs exploded at San Bernardino, Cal., August 11 and hand grenades thrown into Santa Fe stockade at that point.

Two Illinois Central bridges between Belleville and East St. Louis, burned August 9.

Two bridges ten miles from Roodhouse, Ill., dynamited August 27.

Two bombs exploded at Erie shops at Peru, Ind., August 19.

Freight train wrecked on Pennsylvania near Indianapolis, August 27, by taking up and relaying track to less than standard gauge.

Michigan Central express wrecked by removal of spikes near Gary on August 21. Fireman and engineer killed.

Attempt made to wreck Kansas City Southern express near Shreveport, August 22.

Other attempts to wreck passenger trains in this district were unsuccessful but several freight wrecks occurred from tampering with tracks.

Boston & Albany train derailed near Worcester early in August, causing death of two persons and injuries to 30.

Stick of dynamite thrown at sleeping car at Meridian, Miss., August 4, but bounded back and exploded in air.

Sack River bridge north of Ashgrove, Mo., blown up by dynamite August 13.

Three bombs thrown at West Shore train near New York state line August 14, and ten persons injured.

Southern Railway water main at Spencer, N. C., blown up August 19.

Bridge on Frisco lines in Oklahoma blown up August 21.

Attempt to wreck train on Baltimore & Ohio by turning switch at Uniontown, Pa., July 22.

Bomb exploded near sleeping quarters of U. S. deputy marshals at Dallas night of August 17.

Attempt made to dynamite train on Illinois Central at Paducah, Ky., August 18.

Attempt made to wreck California-Florida Flyer at Capleville, Tenn., night of August 28, by pulling 28 spikes.

Chicago & Alton bridge at Brake, Ill., blown up by dynamite.

Engine run into turntable pit at San Bernardino, August 11.

Three hundred air hose cut on Atlantic Coast Line cars at Tampa, night of August 8, and 50 at Lakeland, morning of 10th.

Soap powder found in tender of engine on passenger train running from Tampa to Jacksonville.

Attempt made to wreck passenger train from Key West to Jacksonville by throwing switch, July 25.

Striker arrested for placing emery dust in locomotive grease-cup at Venice, Ill.

Strikers cut air hose and drained boilers on Kansas City, Mexico & Orient, at Wichita, July 18.

Hundreds of air hose were cut on lines of Illinois Central and Louisville & Nashville in Kentucky between July 5 and 28.

Roundhouse burned at Portland, Me., destroying 15 locomotives and property worth $1,000,000, August 13.

Shawnee was practically under control of a mob of strikers armed with high power rifles between August 19 and 21.

The foregoing are a few of the characteristic acts of violence taken from the exhibits of the Attorney General.

Atchison's Union Renegades

When members of the four brotherhoods of trainmen abandoned Santa Fe passenger trains in the California-Arizona desert they lost the strike for the shopmen. Nothing could have gone farther than these atrocious acts in alienating public sympathy. In any passenger train bound from the east to southern California there is always a large proportion of aged, invalids, expectant mothers, etc., seeking the benefits of a salubrious climate. This is well known to the public. The trains carrying these tourists are forced to pass through one of the most terrible regions in the world. This is also well known to the public. The abandonment of the kind of people who travel the Santa Fe route in the sort of a place where they were left formed a combination of cruelty that it would be impossible to exceed in its effect on the public imagination.

The passengers on these trains had no direct interest in the strike. Indeed, it is possible that some of them were unionists or members of the families of unionists. The sole interest of many of them consisted in a speedy trip to the Pacific coast where they might save or prolong their lives. They were abandoned in some instances for four days in places where the heat registered as high as 133 degrees. There are regions traversed by the Santa Fe where a rugged man required to exert himself under the summer rays of the sun will succumb in a few hours. State laws provide that even a tramp may flag a passenger train to obtain a drink of water, and it is a crime to throw even an Apache Indian, riding as a vagrant, off a freight train between stations. Atchison's renegades were familiar with all these things.

The following account of the abandonment of Santa Fe trains is from the affidavit of Chester J. McGuire, an attorney in the Department of Justice, and is made a part of the Attorney General's exhibit in his application for an injunction:

"The Department of Justice began receiving reports on August 11 and 12 regarding disturbances on the Santa Fe Railroad at Needles, Cal., and Barstow, Arizona. (This is an error as Barstow is in California.) There had been various

disturbances along this line but nothing of a serious nature until members of the Big Four abandoned trains without notice on lines running through the desert. The alleged reason at one time was unsafe equipment, at another the presence of armed guards. Men, some over ninety; women, some almost the same age, and children of less than three years were subjected without cause to intense midday heat registering as high as 133 degrees. Nor was this all. Many freight trains carrying perishable goods and livestock were abandoned. It was estimated at one time that 300 carloads of perishable products were at Needles, rapidly deteriorating because of the action of the trainmen. Practically the entire system of the Santa Fe from Albuquerque to Los Angeles was paralyzed. Naturally interstate commerce and the mails did not move over this route. At least one child was born while the trains were thus marooned. Many tales of heroic acts on the part of passengers are related. It was approximately four days before company officials were able to man the trains and bring them to places where the passengers could obtain comforts and later transportation to their destinations.

"Seligman, Ashfork, Williams and Winslow, Ariz., were other points where mail, passenger and freight trains were marooned. In fact, all trains on the Santa Fe road in this state were tied up August 10 and 11. Two mail trains were held at Seligman 56 hours; two passenger trains at Ashfork 40 hours; one mail train at Williams 30 hours. A total of 516 passengers on abandoned trains, 27 cars of hogs, 10 cars of sheep, 4 cars of cattle and 3 cars of perishable goods were reported by the United States marshal on August 13. The last of the marooned passengers did not leave Seligman, Ariz., until late in the afternoon of August 14; from Ashfork until the morning of August 15, and from other miscellaneous points at approximately the same time.

"A subsequent preliminary investigation has been made. It reveals that all trainmen, including switchmen, had failed to respond to calls for yard service. Calls were also made for freight and passenger train service with like results. It was disclosed that a telegram had been sent from Needles on

August 10 ordering all engine, train and yard men on the Arizona division to tie up at whatever terminals they were until further word was received. Complaints of minor defects, such as a dead headlight, which could have been remedied by placing a new bulb in the socket, were given as excuses, in addition to the presence of armed guards. It was further revealed that before the abandonment of trains by members of the Big Four, members of the shops union on strike passed between cars, cutting the air hose so that the air brakes would not work. One train abandoned at Seligman carried 182 passengers and one full car of mail; another 7 passengers and 4 full cars of mail; another 108 passengers; another 135 passengers and one full car of mail. Two trains abandoned at Ashfork contained 145 and 76 passengers, respectively. One at Williams had 115 passengers and one at Prescott 50 passengers.

"New Mexico was also affected. Several trains were held at Albuquerque from two to four days. Ten were reported marooned there on August 14. Three hundred tourists were on abandoned trains at Belen, N. M. Others were held at Las Vegas. The passengers were not finally removed from this district until late in the evening of August 17."

Canonization of Crime

Samuel Gompers, the chief spokesman for union labor in this country, takes the position, in his public utterances, that unionism should be permitted to purge itself of its evils, without the interference of extraneous agencies such as militia, peace officers, judges, juries, prison wardens, executioners, etc. He has never contended that unionism was perfect—indeed, that would be a difficult position to defend in view of unionism's record—but he holds that the purifying influences should be set at work from within and not introduced from without.

Gompers has never undertaken a general defense of crime, but he divides crime into two classes—union crime and non-union crime. With non-union crime, he is not directly

engaged, but in his testimony before investigating bodies he has frequently taken the position that union crimes should be punished by union tribunals, just as ecclesiastical offenses are punished by ecclesiastical authority. In fact, he goes farther than the ecclesiarchs and holds that union law should be paramount to all other law wherever union law conflicts with any other kind of law. He holds, in brief, that the unions are above the law and a law unto themselves.

It cannot be charged that the unions, in visiting retribution on their criminals, violate the Constitution of the United States by inflicting cruel and unusual punishments. Some of the high-lights in the career of "Umbrella Mike" Boyle of Chicago have been recounted. Boyle was not always actuated in his extortions by pure union principles. In fact, he betrayed the unions scandalously, for there is no doubt that he sometimes settled disputes for cash when union policy would have called for a strike. But whatever union principles he may have violated, there is no question of his violation of federal statutes provided against conspiracy. To be sure, he was very inadequately punished by a four months' term in Bridewell, but how was he punished by the unions?

Upon his release, Boyle was presented with an expensive automobile paid for with small subscriptions from thousands of Chicago unionists, and he was retained in a position of authority that enabled him to call one of the most disastrous strikes Chicago has had in recent years.

The barbarous tortures inflicted by the Bridge & Structural Iron Workers' Union upon its officers and members convicted of conspiracy in connection with more than 100 outrages committed over a period of five or six years will bring a pang to all persons of tender sympathies.

Frank M. Ryan, who was president of the international union at the time of his conviction, was reelected while in prison. It has been claimed in extenuation that his case was then on appeal and the organization has taken credit for accepting his resignation after his conviction and sentence had been confirmed by a higher court, but the president as late as January, 1922, was P. J. Morrin, who was convicted at the same time and sentenced to three years in Leavenworth.

With respect to Ryan, he was elected a delegate to the convention of iron trades unions at Pittsburgh after his release, and in the summer of 1919 he was general shop organizer in the Chicago district employed in the general movement of the American Federation of Labor, of which Samuel Gompers was and is president, to organize the steel industry.

Twenty-two defendants were convicted at the Indianapolis trial, and of these 20 were officers or members of the Bridge and Structural Iron Workers' Union. The Bridgemen's Magazine, the official organ of the union, for June, 1919, contains among its roster of officers the names of 12 defendants convicted at Indianapolis. These names, together with the records of their cases, follow:

P. J. Morrin, president: Original sentence three years; released on bail; pardon action withheld; ordered back to Leavenworth by Circuit Court of Appeals.

W. J. McCain, second vice president: Original sentence three years; Circuit Court of Appeals ordered new trial; case dismissed.

Harry Jones, secretary-treasurer: Case nolle-prossed.

J. H. Barry, secretary-treasurer, district council of St. Louis and vicinity; also business agent of Local 18, St. Louis, Mo.: Original sentence four years; released on bond; ordered back to Leavenworth by Circuit Court of Appeals. Pardon action withheld.

R. H. Houlihan, financial secretary, Local No. 1, Chicago, Ill.: Original sentence three years; granted new trial by Circuit Court of Appeals; case dismissed.

M. J. Cunnane, business agent, Local No. 13, Philadelphia, Pa.: Original sentence three years; ordered back to Leavenworth by Circuit Court of Appeals; pardoned.

Charles Beum, president, Local No. 19, Minneapolis, Minn.: Original sentence three years; refused pardon by President and ordered back to Leavenworth by Circuit Court of Appeals.

J. E. Munsey, financial secretary and business agent, Local No. 27, Salt Lake City, Utah.: Original sentence six years; refused pardon by President and ordered back to Leavenworth by Circuit Court of Appeals.

P. A. Cooley, business agent, Local No. 58, New Orleans, La.: Original sentence six years; pardon refused; conviction sustained by Circuit Court of Appeals.

Frank M. Ryan, (president, when convicted), delegate to convention of iron trade unions at Pittsburgh; general shop organizer, Chicago district: Original sentence seven years; released on bond; ordered back to Leavenworth by Circuit Court of Appeals.

John T. Butler, president and treasurer, Local 233, shopmen, Buffalo, N. Y.: Original sentence six years; pardon refused; conviction sustained by Circuit Court of Appeals.

William E. Reddin, financial secretary and business agent, Local No. 8, Milwaukee, Wis.: Original sentence three years; released on bond; refused pardon by President, and ordered back to Leavenworth by Circuit Court of Appeals.

Seven of these names appeared in the roster of officers contained in the Bridgemen's Magazine for January, 1922, those of Houlihan, Beum, Cooley, Ryan and Butler having disappeared from the list.

This roster discloses quite clearly how far a union affiliated with Mr. Gompers' Federation of Labor may be trusted to punish its criminals.

Unionism a Law unto Itself

Enough has been written in these columns to show that a large part of the leadership of the union movement in America either promotes crime or condones crime. It is only fair to say of Samuel Gompers, the head of the movement, that he has never publicly counseled atrocities—and seldom condemned them—but he has frequently expressed a theoretical disregard for law that must have borne criminal fruit among hundreds of his ignorant, susceptible and corrupt followers.

Something has been said concerning Mr. Gompers' early defense of the McNamaras and his later repudiation. Reference has also been made to the sympathy manifested by some of his organizations for Mooney and Billings. It will be remembered, further, that he publicly excused the East St.

Louis rioters in a speech at Carnegie Hall where he became involved in a tilt with the late Theodore Roosevelt.

But these do not exhaust Mr. Gompers' utterances on the subject of law.

When the question of an eight-hour day for railroad employes was being agitated in Congress, Mr. Gompers said:

"We are looking to the railroad brotherhoods to see that the eight-hour day goes into effect, law or no law."

On the face of it, this is an innocent looking statement, but it might easily hearten a thug to dynamite a bridge during a railroad strike to enforce the eight-hour day.

Another public utterance of Mr. Gompers is more pertinent, for in it he not only counsels the violation of injunctions but asserts that he himself would have no hesitancy in doing so. Following an application for an injunction by the Bucks Stove & Range Co., Mr. Gompers, in a Labor Day address at the Jamestown Exposition, said:

"I desire to be clearly understood that when any court undertakes without warrant of law by the injunction process to deprive me of my personal rights and my personal liberty guaranteed by the Constitution, I shall have no hesitancy in asserting and exercising those rights."

This statement, it seems clear, the speaker wished to have interpreted as placing him and his followers above the process of injunction. After the order had been issued, Mr. Gompers, writing in the "Federationist," said:

"They have a lawful right to do as they wish, all the Van Cleaves, all the injunctions, all the fool or vicious opponents to the contrary notwithstanding. * * * Go to —— with your injunctions."

The two foregoing statements refer to injunction processes, but Mr. Gompers had something to say respecting the enactment and enforcement of all law when he testified as a witness before the Lockwood Investigating Committee. He admitted many abuses on the part of labor unions, and when it was suggested to him that they might be corrected by law, he protested. The following extracts from his testimony present some of the shifts that Mr. Gompers would substitute for law:

"I would use every influence I could to bring about a better course of conduct———."

"There is no patent road to the elimination of all mistakes and errors of the people———"

"I would use any way possible except the law———."

"I would rather bear the ills I have than fly to others———."

"It can only be corrected by time———."

"We must be patient. The world was not made in a day. There is a rough struggle of the workers for the improvement of their condition—time develops discipline."

In answer to the question: "Have you any way whatever on God's earth of correcting these ills?" Mr. Gompers replied:

"It cannot be done immediately."

Yet, Mr. Gompers is not an anarchist in the sense that he is opposed to the enactment and enforcement of all laws. He frankly likes laws that favor labor unionism.

Before the Lockwood Committee, Mr. Gompers went on record for one-sided contracts that bind the employer without binding the employe. He declared for "proximate stability of wages, but not fixed wages," and asserted that prosperity should be used for increasing wages but depression should not be used for diminishing them.

He reiterated his opposition to interference with labor unions by the courts, but when he was asked whether he would go to the legislature for laws to protect workers against industrial accidents, he replied:

"Certainly. It is the only way I can get such protection."

Asked whether employers and the public, when suffering from labor union oppression, might go to the legislature for redress, he replied:

"No sir!"

"And this position is perfectly logical?"

"Yes sir!"

It seems idle to expect any abatement of union lawlessness as long as the head of the movement publicly asserts such a position with respect to the law.

Right of Free Speech

The Labor Day address of Samuel Gompers on the "right of free speech" and his fear that this right would be abridged by the temporary injunction granted on the application of Attorney General Daugherty make it interesting to revive the attitude of one of the country's principal unions on this "right" among its own members. Of course, there is no clear line of demarcation between the right of free speech and the abuse of oral license, but if the provocation of a strike is a right the expression of an individual opinion on a legislative question can hardly be termed an abuse.

Section 11 of the "Constitution and Statutes" of the Brotherhood of Locomotive Engineers provides: "Any member or division refusing to sustain the official acts or instructions of the legislative board, or who circulates or signs any petition, or who, by verbal or written communication to railroad officials or others, calculated to injure or interfere with legislative matters offered by the legislative board, or at any time makes suggestions to railroad officials or to state legislators that may be detrimental to the interests of the Brotherhood of Locomotive Engineers or any train service organization, shall be expelled, when proven guilty, as per Section 49 of the statutes."

The members of this brotherhood are admittedly among the most intelligent and dependable workers in the country, yet their union affiliation denies them the right, granted under the constitution to millions of men of lesser capabilities, to speak their minds freely on legislative issues. The issues whereon the locomotive engineers would be likely to have an opinion are the issues on which, of all others, these men would be likely to have the best considered opinions. Thus, not only are they denied the right of expressing their opinions, but the country is denied the advantage of their opinions.

Nor is Section 11 a mere stuffed club to frighten the timid. In 1916 it proved to be a big stick and was swung freely and with disastrous effect on the victims by "Brother" Stone.

At that time the Interstate Commerce Commission was taking testimony on the question of requiring carriers to install high-power headlights on their locomotives. This question was being considered, not in the interest of unions or of railroads, but in the interest of the traveling public whose safety was involved. There was a difference of opinion even among experts, some claiming that the high-power lights were an advantage by lighting the tracks for a greater distance, while others claimed that the lights, by blinding the engineers, prevented them from seeing signals.

Here was a question on which the free opinions of individual engineers, the best informed men in the country on this subject, would have been of the utmost importance to all and of far more importance to the people at large than to the engineers themselves. But "Brother" Stone favored the high-power headlights and proceeded to invoke Section 11 against all testimony in opposition to their installation.

One of the engineers, who opposed high-power headlights and testified against them, was nervous at the prospect, and was reassured by Stone, who said that "nobody who tells the truth was ever thrown out of the brotherhood." He needed this reassurance, because two other engineers had testified that they had been ousted from the organization on the sole charge that they had opposed high-power headlights before the commission, while the truth of their testimony had never been called in question.

W. H. Rother, an engineer on the Cleveland, Cincinnati, Chicago & St. Louis, testified that he had been tried and acquitted by local division of the Brotherhood of Locomotive Engineers, No. 492 of Indianapolis, on charges preferred by Grand Chief Stone of violating the "laws" of the brotherhood in having testified before the Interstate Commerce Commission that he regarded electric headlights as dangerous.

After Rother's acquittal, Grand Chief Stone recalled the charter of Division 492, organized a new division in its stead and excluded Rother, together with those who had voted for acquittal and those who had refused to obey an order not to associate with Rother.

The Grand Chief has never explained why he was so bent on electric headlights that he was willing to bring the most onerous forms of tyranny to bear on expert witnesses who opposed them. Rother and his associates were along in years, had devoted most of their lives to their profession and were fitted for little else. The Grand Chief's action took the bread and butter from their mouths and the mouths of their families —a mellifluous phrase in union mouths.

This action, it may be fairly stated, consisted not only in abridging the right of free speech, but in intimidating witnesses and even in influencing a union jury by threats of great injury and harm.

Monopolization of Industry

Ultra-exclusiveness killed the trade guilds of the medieval period, and the unions of today employ every device of monopoly known to the earlier period. Whether a similar result will follow, it is not necessary to prophesy, but the first principle of American unionism is the limitation of membership, either directly or through limitation of apprentices. Of course, labor leaders represent that their organizations are open to all, but their statements will not square with the facts.

Again, it is desirable to quote the greatest authority in the labor union movement—Samuel Gompers. On page 8 of his "The Union Shop And Its Antithesis," he says:

"Any wage worker can join a trade union. All are open, wide open to all wage workers qualified at the occupation organized. They pay an entrance fee barely sufficient to equalize the payments of unions' benevolent benefits and current cost of administration. No union ever asks a non-unionist to pay for the slightest percentage of the damage he has done as a disruptionist. It is literally and positively true, without evasion or equivocation, that trade unions, and consequently union shops, are open for all wage workers whom

any employer would possibly contemplate as employes who would be kept regularly and permanently in his employ."

At first glance, this appears like an unequivocal statement, until one examines the last clause, from which it appears that the maximum membership of unions is designed to meet the minimum requirements of employers. In point of fact, union policy does not intend that union membership shall ever become so swelled.

The editor of the Bridge and Structural Iron Workers' Journal makes a more truthful statement than Gompers when he says: "As a general proposition with us we appear to think that a new applicant means another person to apply for the various jobs."

The varying attitude of unions on this question hinges largely on the strength of the local where application is made. If there is a large percentage of non-union workers employed in the community, the local makes initiation easy; if, on the other hand, the industry in the community is tightly organized, the union makes admission exceedingly onerous.

In his "Admissions to American Trade Unions," Dr. F. E. Wolfe in 1912 said: "High and in some cases prohibitive initiation fees have been for a number of years imposed on this class (foreigners) of workmen by the Flint Glass Workers, Table Knife Grinders, Pen and Pocket Knife Blade Grinders, Window Glass Workers, Stone Cutters, Granite Cutters, Wire Weavers, Glass Bottle Blowers, Lace Operatives, Lithographers, Print Cutters, Brewery Workers and Sanitary Potters."

The Window Glass Workers fixed the admission fee of foreigners at $200 in 1892, at $500 in 1895 and at $300 in 1904. The Wire Weavers since 1895 and the Glass Bottle Blowers since 1903 have charged immigrant applicants $500.

The constitution and by-laws of the Glass Bottle Blowers' Association contains the following:

"A member who encourages or assists in any manner, either directly or indirectly, any foreign glass blower to come to the country shall, upon conviction, be fined not less than $100 and be suspended from work for one year."

Clause 25 of the 1913-1914 agreement read: "No foreign glass blower shall be admitted into the association during the blast of 1913-1914. But the national president and executive board shall have power to admit such when deemed necessary and initiation fee of five hundred dollars ($500) imposed."

Some of the locals of the iron workers temporarily close admissions, but on any sudden increase in employment permit non-union men to work by paying a dollar a day into the union treasury.

During the recent investigation by the Lockwood committee testimony was brought out to show that the New York Electrical Workers' Union gave non-union men permits to work at $2.50 a week. The Marble Polishers' Union, which has an initiation fee of $200, gives non-union men permits, not exceeding 30 in number, at the rate of $2 a week. These facts were brought out on the testimony of officials of the union.

In spite of the increased building requirements, the hoisting engineers in New York have no more members than they had 10 years ago.

Thus, it will be seen, as Gompers says, how easy it is for "any wage worker to join a trade union," especially the hoisting engineers in New York.

Unionism and Municipal Statistics

A definite relationship exists between the strength of union labor's entrenchments and statistics of municipal growth and prosperity in various American cities. This statement is designed to cover, not only building costs and rents, which are obviously higher where the closed-shop plan is in operation, but the less obvious factors of increase in population, growth of industrial activity, low bonded debt, low tax rate, etc.

This relationship is proof that the best American citizenry is still attracted by the "American," or open-shop plan, and repelled by the closed-shop plan, whether it be deemed of

European or other derivation. It may be that there is no direct relation between union strength and high taxes, but there is a close relation between good citizenry and low taxes. If the best American types are attracted to municipalities where the "American" plan prevails, it follows that the process of selection set up diminishes the grade of citizenry in closed-shop cities, and an indirect relationship is established between unionism and the tax rate.

Until 1921 San Francisco was the most hide-bound union city in this country, while Los Angeles, its principal competitor on the Pacific Coast, was and is the freest from union domination. Although San Francisco had a start that seemed to render the competitive position of Los Angeles hopeless, the smaller city surpassed the larger in population in the decade from 1910 to 1920. From 1899 to 1914, the number of wage-earners in Los Angeles increased 26,179 and in the same period the number in San Francisco decreased 797. At the date of the last census, Los Angeles had the lowest tax rate per $1,000 of assessed valuation of any city in the country, while San Francisco was tenth.

Next to Los Angeles, the greatest degree of industrial freedom to be found in American cities exists in Detroit and Akron, and these three cities led the growth in population between 1910 and 1920. The population of Akron increased 201.8%; that of Detroit 113.4%; that of Los Angeles, 80.3%.

The population of San Francisco in the same decade increased 21.9%. Danbury, Conn., which was forced to encounter the adverse publicity growing out of the protracted hatters' strike, lost 6.6% population between 1910 and 1920. In Paterson, N. J., a closed-shop city, the population increased only 8.2%.

There are 80 tire and rubber plants in Akron, all on the open-shop basis since the long and bitter struggle that occurred between 1913 and 1915. Thus, when Goodyear Tire & Rubber Co. decided to build a $10,000,000 plant on the Pacific Coast the president announced that Los Angeles had been selected because it was an open-shop city.

In the latter part of 1920, and following a long campaign to that end, about half the chief industries of Buffalo were open shops, the industries including clothing, tailoring, knitting, neckwear and corset manufacturing. Following the partial success of the open-shop fight, new industries, representing an investment of $100,000,000 and requiring 20,000 employes, moved to Buffalo.

The Survey, a supporter of the closed shop, in reviewing the progress of Grand Rapids, in November, 1920, attributed the city's prosperity to the adoption of local prohibition in April, 1918. But Grand Rapids had no corner on prohibition in November, 1920, while it is an open-shop city. The Survey said: "Grand Rapids has never had a large class of desperately poor families." Again, it says: "Is the second American city in per cent. of home ownership." It further says: "No serious labor disturbances since 1912." Wages have "advanced faster than prices," and "freedom from serious strikes or lockouts * * * has reinforced the result of higher wages."

Of the twenty principal cities in the country, Detroit, open-shop, is fifth from lowest in gross debt, third from lowest in tax rate per $1,000 of assessed valuation and fifth from lowest in gross debt per capita.

Restricted building operations, higher costs and higher rents are results that might be expected to follow in cities where the closed shop exists in the building industry, and these results will be considered later; but the closed shop, which is alleged by its proponents to benefit the wage earner, certainly has subtracted from his savings-bank account. It is a well-known fact that wage earners form a great majority of savings-bank depositors, and mechanics in the building trades, by reason of their high wages, may be reasonably expected to exert a marked influence on the totals.

A compilation made from 24 cities—12 where the open shop prevails to the extent of 75% or more in the building trades and 12 where the closed shop prevails to the extent of 75% or more in the same trades—shows that the per capita savings deposits at the end of 1921 were $206 in the open-shop cities and $175 in the closed-shop cities. The table follows:

Open Shop

City	Population	Deposits	Per Capita Deposits
Los Angeles	576,073	$239,808,000	$416
Detroit	993,678	218,657,814	220
Minneapolis	380,582	80,000,000	210
Seattle	315,652	46,198,693	147
Duluth	98,917	14,000,000	142
Milwaukee	457,147	64,063,512	140
Akron	208,435	28,900,654	139
Spokane	104,437	13,750,000	132
Atlanta	200,616	23,190,071	116
Grand Rapids	137,634	15,053,600	109
Nashville	118,342	12,375,179	105
Richmond	171,667	18,000,000	105
Total	3,763,180	$773,997,523	$206

Closed Shop

City	Population	Deposits	Deposits Per Capita
Providence	237,595	$136,668,914	$575
Pittsburgh	588,343	242,976,478	413
Scranton	137,783	44,682,247	324
Cincinnati	401,247	71,000,000	173
Chicago	2,701,705	375,647,915	139
Louisville	234,891	30,500,000	130
New Orleans	387,219	44,087,861	114
Butte	41,611	4,490,837	108
St. Louis	772,897	80,413,271	104
Indianapolis	314,194	30,705,656	98
Kansas City, Mo.	324,410	23,745,506	73
Dayton	152,559	9,582,273	63
Total	6,294,454	$1,094,500,958	$175

Why Rents Are High

The best comparative data on the open and closed shop in American cities are found in the building trade industries. In other undertakings there are more extraneous factors to disturb the comparisons, but the building trades have been brought to a standardized state of development, where all the other factors are small measured against the importance of wages and output of labor. A great deal of material on this subject has been compiled by Mr. Noel Sargent, and his comparisons will be drawn on freely.

First, it will be interesting to consider the respective effects of the open and closed shops on the extent of building In fifteen cities where building was 75% open shop, the value of permits during 1921 was $64 per capita. In fifteen cities on the closed shop basis the per capita value of permits was $41. This is set forth in the following table, from which New York was omitted on account of the effect of the recent tax-exemption legislation:

Building—Closed Shop

Town:	Population	Year's Building Permits	Permits Per Capita
Cleveland	796,836	$46,531,323	$58
Indianapolis	314,194	16,872,240	53.7
Newark, N. J.	414,216	21,578,221	52
Kansas City, Mo.	324,410	16,024,175	49
Chicago	2,701,705	125,028,010	46
Cincinnati	401,247	17,682,510	44
Dayton	152,559	6,105,061	40
Pittsburgh—McKeesport	635,124	25,257,261	39
Syracuse	171,717	5,828,598	34
Louisville	234,891	7,428,300	32
New Orleans	387,219	8,037,959	21
Providence	237,595	4,897,800	20.6
St. Louis	772,897	12,324,133	16
Scranton	137,783	2,073,197	15
Butte	41,611	102,342	2
	7,724,004	$314,771,130	$40.75

Building—Open Shop

Town	Population	Year's Building Permits	Permits Per Capita
Los Angeles	576,073	$82,713,386	$143
Oklahoma City	91,258	7,300,317	80
Minneapolis	380,582	23,388,055	62
St. Paul	234,595	14,362,181	61
Detroit	993,678	58,086,081	59
Atlanta	200,616	11,236,776	56
Milwaukee	457,147	24,976,025	55
Richmond	171,667	9,292,603	54.1
San Antonio	161,379	7,995,188	50
Grand Rapids	137,634	5,634,182	40.93
Seattle	315,652	12,862,425	40.74
Duluth	98,917	3,518,464	36
Salt Lake City	118,110	3,436,985	29
Spokane	104,437	2,124,037	20
Akron	208,435	3,782,548	18
	4,250,180	$270,709,253	$63.69

Accurate rent statistics on all the thirty cities in the foregoing tables are not available, but the United States Bureau of Labor gives rent changes from December, 1920, to December, 1921, in fifteen of the cities—six open shop and nine closed shop. In the six open shop cities rent increased 0.5% and in the nine closed shop cities 15%, or thirty fold more than in the former. This is shown in the following tables:

Construction—Open Shop

Town	Population	Per-Cent. Inc.	Rent Dec. 1920	Rent Dec. 1921
Detroit	993,678	*8	$99,367,800	$91,418,376
Seattle	315,652	*4	31,565,200	30,302,592
Atlanta	200,616	1	20,061,600	20,262,216
Richmond	171,667	7	17,166,700	18,368,369
Minneapolis	380,582	7	38,058,200	40,722,274
Los Angeles	576,073	11	57,607,300	63,944,103
Totals	2,638,268	0.5	$263,826,800	$265,017,930

*Decrease

Construction—Closed Shop

Town	Population	Per-Cent. Inc.	Rent Dec. 1920	Rent Dec. 1921
Cleveland	796,836	1	$79,683,600	$80,480,436
Cincinnati	401,247	3	40,124,700	41,328,441
Kansas City	324,410	4	32,441,000	33,738,640
Indianapolis	314,194	8	31,419,400	33,932,952
New Orleans	387,219	13	38,721,900	43,755,747
St. Louis	772,897	15	77,289,700	88,883,155
Pittsburgh	588,343	15	58,834,300	67,659,445
Scranton	137,783	22	13,778,300	16,809,426
Chicago	2,701,705	24	270,170,500	335,011,420
Totals	6,424,634	15	$642,463,400	$741,599,662

From the foregoing, it will be seen that, if a resident of Detroit was paying $1,000 rent at the beginning of the period, the rent would have been reduced, theoretically, to $920 at the end of the period. In Chicago, on the other hand, a renter paying $1,000 at the beginning of the period would have been paying $1,240 at the end of the period.

Just how much wage-earners are benefitted by union restrictions on output will be manifest from a comparison of the percentages of idle in open shop and closed shop cities. About 11,000,000 persons in this country derive their livelihood from the building industry—that is, they are workers or members of workers' families. It is estimated that 50% of all the bond issues—state, municipal, railroad and industrial—are for construction of some sort, and building has always been regarded as a kind of pivotal industry.

The Department of Labor presented to the National Unemployment Conference in October, 1921, the number of unemployed in many cities. The use of these figures for the thirty cities in the first table shows 126% more unemployment in cities where building is closed shop than in cities where the industry is on the open shop basis. The figures in detail follow:

Building—Open Shop

Town	Idle	Population	Per Cent. of Population Idle
Duluth	7,000	98,917	7.1
Detroit	50,000	993,678	5.0
Akron	9,550	208,435	4.6
Milwaukee	20,600	457,147	4.5
St. Paul	9,500	234,595	4.0
Oklahoma City	3,210	91,258	3.5
Richmond	5,300	171,667	3.1
Atlanta	5,200	200,616	2.6
Salt Lake City	2,860	118,110	2.4
Seattle	7,240	315,652	2.3
Spokane	2,437	104,437	2.3
Los Angeles	10,950	576,073	1.9
San Antonio	2,515	161,379	1.6
Grand Rapids	2,000	137,634	1.5
Minneapolis	5,000	380,582	1.3
	143,362	4,250,180	3.4

Building—Closed Shop

Town	Idle	Population	Per Cent. of Population Idle
Pitts'gh-McKeesp.	85,000	635,124	13.4
Cleveland	104,000	796,836	13.0
Scranton	16,020	137,783	11.6
Newark, N. J.	47,311	414,216	11.4
Butte	4,570	41,611	10.9
Dayton	16,400	152,559	10.5
Cincinnati	37,600	401,247	9.3
St. Louis	68,500	772,897	8.8
Providence	19,640	237,595	8.3
Indianapolis	25,000	314,194	8.0
Syracuse	12,200	171,717	7.1
Chicago	134,584	2,701,705	4.9
New Orleans	15,150	387,219	3.9
Kansas City, Mo.	9,000	324,410	2.8
Louisville	5,050	234,891	2.2
	600,025	7,723,048	7.7

Limitation of Output

While trade unions generally follow the practice, wherever they are strong enough, of limiting output in all industries in order to make the same amount of work go around among the greatest possible number of men, this practice has extended farthest in the building trades where the unions, if the industry be on a closed shop basis, exercise the most powerful control. The greatest mass of legal evidence ever adduced on this subject was brought out before the Lockwood Housing Committee.

Among some of the practices in the New York building trades under union rules were the following:

Paint brushes limited in width to 4½ inches to reduce output of painter.

Union bricklayers cut day's work from 1,800 bricks in 1914 to number ranging from 500 to 1,000 bricks in 1921.

Union rule providing that plumbers must not be allowed to install toilet, lavatory or other fixtures that had been assembled rapidly and economically at the factory.

Rule providing that every two plumbers must have a helper who should not be allowed even to touch the tools.

Rule of metal lathers requiring contractors, where reinforced concrete is mixed at shop under economical conditions and brought to building, to pay a bonus into the sick fund of the union at the prescribed rate based on the labor cost thus claimed as saved amounting to $6 a ton on cut steel and $18 a ton on fabricated steel.

Rule of plasterers' union prohibiting use of casts over certain size being manufactured in shops and requiring them to be run on walls at job at greatly increased expense.

Rule of plasterers' union requiring that stock models must be destroyed after being used in order to provide more work for modelers.

Rule preventing mixture of plaster of paris with Keene cement in making mantels, a practice which would reduce the hours of labor on mantel construction 75%.

When business agents, either in New York or elsewhere under the closed shop, found men "rushing the job," the men were invariably reprimanded, sometimes fined, and even expelled from their organizations. In some instances retaliatory measures were even taken against the employers who permitted men to work faster than provided by union regulations. A case of this kind occurred in San Francisco in 1916 during the height of McCarthy's power. A plastering contractor remonstrated with a business agent of the plasterers' union who was cursing the men for working too fast. The contractor called the business agent's attention to the union rule which prohibited direct intercourse with the men during working hours and requested him to transact his business with the shop steward as provided by union regulations. When the business agent declined to retire the contractor threw him off the property. Two hours later the men were called out. Two days later, a boycott was declared against the contractor's father, also a plastering contractor, by the executive committee of the building trades council. This is an instance

where a union agent in order to diminish the output of the men in his jurisdiction went so far as to violate the rules of his organization.

The limitation of output probably reached greater proportions during federal control of the railroads than at any other time and place with the possible exception of such limitation in the building trades industry in a few cities like New York, Chicago and San Francisco. As a typical instance, an engine was about to start a run on the El Paso & Southwestern when it was noticed that a window pane in the cab was broken. The sky looked threatening and the engineer insisted on repairs. No engine carpenter being then on duty, a foreman, who himself could have done the work in a few minutes, had to send for the "right man." The train was held up an hour and a half, and the "right man," when he arrived, did the work in half an hour and drew five hours' pay.

Under the rules suggested by the unions and adopted by Director General McAdoo the following men were involved in removing and replacing a headlight generator on a locomotive:

electrician disconnects the wires—
a sheet metal worker disconnects the pipes—
a machinist unbolts and removes the generator and applies a new one—
a sheet metal worker reconnects the pipes—
electrician reconnects the wires—
each mechanic has a helper.

This operation required six men whose work prior to the advent of Mr. McAdoo was usually performed by a machinist and a helper and in time of emergency was performed by a handy man.

Output in the shopcrafts was further diminished by changing men from piece work to day work under an order of Mr. McAdoo that went into effect July, 1918. Under private control 20% of the men in passenger car repair shops and 58% of the men in freight car repair shops were on a piece work basis. Several roads have computed what the change has amounted to them in decreased efficiency. Car repairers' efficiency went down 41%, air brake repairers' efficiency 33%, passenger car painters' efficiency 25%, brass

foundry workers' efficiency 11%. Under Mr. McAdoo it took a painter two hours longer to paint a locomotive and 28 hours longer to paint a freight car. In one boiler shop the average time on several kinds of characteristic work increased 32% and the output of the shop diminished 24%. In a blacksmith shop the time went up 35% and the output went down 26%. In a paint shop the time went up 42% and the output diminished 30%.

While conditions have been bad in the building trades, it remained for Mr. McAdoo to promulgate a rule whereby a man's output, although he remained on the payroll, could be limited to nothing. Rule 27 of the so-called National Agreement, contains this section: "In the restoration of forces, senior laid off men will be given preference of reemployment, if available, within a reasonable time, and shall be returned to their former positions."

A certain road had a car repairer whose defective eyesight exposed him and his fellow workers to serious risk. The company offered him employment if any competent occulist "passed" his vision. Otherwise the foreman would not reinstate him. Following hearing and under the rules, he was ordered back to work, awarded $1,000 in back wages and, in addition, 172½ hours' overtime at $1.02 an hour for extra compensation, being the sum earned by his gang during the time he was out of service.

The whole phase of the trade union situation is nicely epitomized in a song sung by Samuel Gompers at a convention of the American Federation of Labor and printed on the inside cover of the Federation's report for 1920. Two lines of this ditty follow:

"Whether you work by the piece or work by the day,
Decreasing the hours increases the pay."

Several Living Wages

Although the Railroad Labor Board, in considering an application of the United Brotherhood of Maintenance of Way Employes and Railroad Shop Laborers, refused to endorse the principle of the living wage on the ground that it would

wreck the railroads, it will comfort all the friends of unionism to learn that at least the grand officials of this organization are not suffering for want of bread, denim, coal and other necessities. This solacing information has just been brought out in a civil trial at Detroit. The testimony in this case was not before the Labor Board. Had the evidence been a part of the record, it is not unlikely the board would have cut maintenance of way employes' wages two cents an hour instead of increasing them that sum.

Two years ago the membership of this organization, since declined somewhat, was about 400,000, and the annual dues were $8, giving the national union an annual revenue of about $3,200,000, or more than a good many Class One roads will be able to earn net in 1922. It was the expenditure of a part of this revenue that gave rise to the suit, the purpose of which is to recover $200,000 from Allen E. Barker, former grand president of the union.

In the course of the trial, before Judge Henry A. Mandell of the Wayne County Circuit Court (Detroit), a good deal of testimony was developed covering expenditures other than and greater than the $200,000 directly involved.

Among other things, it appears that former President Barker received an annual salary of $14,000, with a rather vague expense allowance that brought his real burden to the organization up to $25,000. Then, there was a Detroit lawyer, Peter Miller, who received an annual salary of $25,000, and Mr. Miller, that there might be no doubt of his wage meeting his living requirements, drew his salary in advance.

But this was only a beginning. There were 14 grand vice presidents, each receiving an annual salary of $6,000. Of the 190 general chairmen, one for each road in the United States and Canada, 150 received from $300 to $400 a month and expenses, and the other 40 were paid on a per diem basis. Thus, it will be seen there were not a few in this organization who had no need to take their cases to the Railroad Labor Board to get a living wage.

In the Barker suit, which covered alleged transactions in the winter of 1919-20, it was brought out that $393,000 had been turned over to a Detroit lawyer for investment. When

a firm of auditors attempted to check the investments, they found they had no authority to examine the lawyer's books. The brotherhood sued the lawyer and the case was settled out of court, but it was testified in the Barker case that the union lost money on the investments, if, indeed, any testimony on the subject were necessary.

The investigation of Barker was begun by four employes of the brotherhood's headquarters in Detroit, who questioned the regularity of checks being issued to the president under the head of "special organization." In this connection, it may be pointed out that money appropriated by unions for "special organization" rarely finds its way into the hands of "Sunday school teachers." When the employes consulted the brotherhood's attorney, they were threatened with arrest for attempted blackmail and dismissed from their positions. This should be a warning to any honest unionist who may become inspired with an ambition to right union wrongs.

The dismissed employes finally got their charges before the executive board, which began an investigation and later reinstated the four. The board hired a new attorney at a salary of $100 a day—another living wage—with the stipulation that he should receive further recompense if his negotiations resulted in recovering any union funds. But Barker was negotiation-proof and suit was entered against him. He resigned under fire in March, 1920, and two months later the executive board ordered his successor, E. F. Grable, to discontinue the suit and not to enter another without the authority of the board.

In October, 1922, the brotherhood held a national convention at Detroit and turned the old administration out. It also began a campaign of economy by reducing the number of grand vice presidents from 14 to 5 and cutting their salaries from $6,000 to $4,200. Thus, the convention took official notice of the process of deflation, and were it possible to induce the Railroad Labor Board to order a commensurate cut in wages, the railroads would earn next year at least 10% on their property accounts.

Incidental to the suit against Barker, it was brought out that union funds aggregating hundreds of thousands of dollars

had been lost in real estate and housing schemes, in an overall factory and other promotions. The suit itself involved only $200,000, paid to Barker by the grand secretary-treasurer in the form of checks ranging from $10,000 to $50,000. It was testified that Barker had told the executive board he never took a receipt for money paid under the head of "special organization," and there is no doubt his reasons were good. Apparently, this money or part of it, went to finance another union in violation of an injunction, for a campaign to restrict immigration from Mexico, for promoting the Plumb plan, to lobby at Washington for an increase in brotherhood wages, etc.

During the reading of the minutes of the investigation in March, 1920, one of the inquisitors remarked that the United Brotherhood of Shop Laborers might well be corrected to read "shoplifters," and the remark has become a part of the court record in the Barker trial.

Debt of Unionism to McAdoo

Whether it be in building or in railway operation, the costs are borne largely by the public which is the user of the accommodations or the services. In the case of building construction practically all the increased costs are passed on to the public in the form of higher rents and it is quite possible that something is added to recompense the owner for the additional risk incurred in erecting a building under a system that entails excessive cost. With the railroads it is probable that some of the increased burden has been borne by the security holders, due to the fact that the railroads, by virtue of the public regulation of rates, are unable to exact from the public a fair return upon the investment. But, waiving this consideration which is not important as measured against gross revenues of the country's carriers, the cost of the arbitrary exactions of the unionized railway workers has been borne not only by shippers and travellers, but by every consumer of a commodity that has moved by rail.

An illustration of this additional burden is contained in the experience of a New England railroad which had occasion to send a machinist from the shop in which he ordinarily worked to a roundhouse some distance down the road to do a certain job. He was away from home 27 hours and 50 minutes. Six hours, or more than one-fifth of the time, was spent in traveling in a passenger coach. Seven hours and 20 minutes, or more than one-fourth of the time, was spent off duty at the roundhouse. The actual working time was 14½ hours, or a little more than one-half the time the machinist was absent from his home. The road paid him $20.88, almost one dollar an hour for the whole time of his absence, or nearly $2 an hour for the actual time worked.

An Ohio road, under the National Agreements, put into force by Mr. McAdoo, had to send 5 machinists 101 miles from A to B. Each man worked 8 hours a day for 3 days. Each man was paid, not for the 24 hours worked, but for the 72 hours of absence, most of the time being at the rate of 1½ times the ordinary scale. Each man received $30 for his 24 hours of labor and $52 in addition, and for the latter sum he had rendered no service whatever.

In August, 1920, the Atchison, Topeka & Santa Fe investigated the difference between a car foreman and a car repair man. The inquiry was requested by the workman and consumed 82 minutes more than his regular working time. He entered claim for time and a half for 60 minutes of that overtime and for 5 hours' pay for the other 22 minutes. On final adjustment under the National Agreements he received pay for 6 hours and 30 minutes instead of for 82 minutes.

The operation of one rule compelled the railroads to pay in the first six months of 1920 almost $6,500,000 for work that was not performed. This punitive payment was on account of a clause providing that when employes were required to check in and out on their own time they were to be paid each week one hour extra.

Rule 7 required that an employe "called or required to return to work" should be "allowed 5 hours for 3 hours and 20 minutes' service or less." It further provided that he

"shall be required to do also such work as held or called for." Under that rule many cases occurred on all the railways of which the following is an illustration:

A machinist is called after his day is over to make light repairs to a locomotive. He finishes the work in 30 minutes or less. Another locomotive is at hand also needing some slight attention. The second locomotive takes another half hour of the man's time. In all he works 1 hour. Under Rule 7 he received pay for 10 hours.

Rules 4 and 5 covering shifts and hours prevented the railroads from having more men on the job through the rush hours than through the slack hours of the day, with obvious consequences to the payrolls.

A certain railroad in 34 weeks called upon a car repairer 15 times to operate a small torch in emergency wrecking. He rendered temporary service and the total time required of him was well within 15 hours, but under the National Agreements as to working conditions this workman made two special pleas. He claimed that he ought to be paid for continuous service for the entire 34 weeks although he had rendered intermittent service that amounted to less than 2 days of working time. The board granted the claim. He also requested an increase of pay from 58 cents to 68 cents an hour. Because he used an oxy-acetylene torch on an average of 1 hour in every 2 weeks, he insisted that he should receive the same pay given mechanics who operate welding and cutting torches all the time. His claims, both of which were granted, will be found in Docket No. 1194 of the Decisions of the Railway Board of Adjustment No. 2.

The burdens on the railroads and hence on the public were further increased by the creation of what came to be known in ridicule as "McAdoo mechanics." Here is an illustration. A New England railroad employed a 17-year-old boy in the upholstery department of its shops. His duties had consisted wholly of stripping the plush from the seats of passenger coaches, beating out the dust, and turning it over for replacement in the cars. The skilled upholsterers in that shop had been annoyed over the condition of their glue heated

in pots placed over openings in heaters much like ordinary stoves. Pieces of chip glue were dropped into the pots on the range for melting and in order that the consistency of the glue might be right the upholsterers asked the boy who had a great deal of idle time on his hands, to give some attention to the glue range. The boy's case finally came before a board of adjustment. On hearing, it developed that only an upholsterer could give any attention to the mixing and heating of glue. The board, therefore, ruled that the boy was a first-class upholsterer and awarded him $1,200 in adjusted compensation.

This boy received his additional compensation under Director General McAdoo's notorious Supplement No. 4 to General Order No. 27, dated July 25, 1918, with numerous other supplements and interpretations which followed. Another illustration under this order will be given. The man who prepares a car for the repairmen—that is, who takes the screws out from the seats and racks and removes the racks and seats, was formerly a handy man. No mechanical skill was required of him, but he was known among his fellows as a "stripper." The order made any man who worked "above the trucks" of a car a skilled mechanic with corresponding pay. Prior to federal control many thousand of these "handy" men were paid little more than the wages of common labor. But under Mr. McAdoo's order they received 85 cents an hour with time and a half for overtime.

A. H. Smith, president of the New York Central, stated that because of the abolition of piece work and the adoption of the National Agreements maintenance of equipment on his road in 1920 required a personnel 60.3% in excess of 1915 and involved an increase in expenditure of 187% during a period when the mileage output increased only 2%.

Profits Versus Patriotism

To a good many Americans the relationship of union labor to America in the World War will not seem less important than its relationship to crime and to economic waste. This relationship could hardly have been more inglorious. In the

sense that the unions gave no active aid to the enemy, their action was not treasonable, but in every sense they were disloyal.

The conduct of the war called for coal, steel, oil, guns, ships, khaki, helmets, cans and a variety of other commodities. During the war, organizations affiliated with the American Federation of Labor, struck in coal mines, oil fields, ship yards, khaki mills, steel plants, munition plants, can factories, helmet factories and in a variety of other industries.

If it had not been so serious, it would have been amusing to think of Mr. Wilson, who liked to lay his mind alongside that of Mr. Gompers, sending 2,053,347 men to Europe, while his cerebral affinity sent 2,386,285 men on strike. This is only the number involved in 4,201 strikes called by unions owing allegiance to Mr. Gompers, for the number involved in the other 1,828 strikes for which he was indirectly responsible has not been officially recorded.

Labor's position during the war was best set forth by Mr. O'Connell, speaking to a convention of the boilermakers' union, in 1917, after the outbreak of hostilities. The speaker, who may be deemed to have been a spokesman for the American Federation of Labor, said: "You are meeting now, my friends, and you will be expected before this convention adjourns to make a declaration as to what the position of the Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America is, so that the world may know. It is not a mere question of being behind President Wilson. That is a sort of catchy expression, a catch phrase, sounds nice. The question is, are you behind yourself? If you are, you will say so before you leave here. * * * We took advantage of the situation as we found it appeared, and before war was declared by the United States we saw to it that organized labor was going to get proper recognition and that conditions of employment and standards of living would not be interfered with; would not be lowered. * * * Nothing can take place, nothing can be done, unless we are consulted and practically give our consent to it. * * * You have the shipbuilding, and we are not talking about getting a penny an hour increase now.

* * * Now we are striking for dollars. We have forgot there is such a thing as a penny on the market any more. * * * Out on the Pacific coast, in Seattle, Portland, San Francisco, all are asking for dollars, $2 a day, $3 a day, increase. It does not frighten anybody any more. * * * We are just coming together and going to get dollars now instead of pennies. Now, I want you to get it in your heads to talk about dollars, not pennies, in your organization. * * * The opportunity is presented for the first time in the history of the United States government for practically a union contract signed between the government and the officers of the department and affiliated organizations, practically requiring that the shipbuilders of America come to Washington and put their feet under the table with the labor leaders to settle their troubles. * * * Uncle Sam is paying the expenses of union committees to come to Washington and meet the employers. Isn't that a pretty good union agreement?

" * * * No, I hope the boilermakers in convention here will get in their minds that beautiful thought of 'more and more.' Place your officers in a position to go out and demand, and then back them up. Give them your united and undivided support. And in this crisis, instead of our organization being wiped out, instead of our power being lessened, we will come out after the war is over bigger and greater and grander and better understood than we ever were before."

It was the spirit fostered by remarks of leaders such as Mr. O'Connell that induced strikes of 100,000 shipyard workers at a time when the outcome of the World War hung on the volume of ocean tonnage that the Allies could assemble or produce. It was this spirit that prompted a strike of 140,000 coal miners with the accompanying shortage of coal that forced many other thousands, including the munition workers, into idleness.

Among the specific pieces of work essential to the prosecution of the war held up by strikes were the arsenal at Watertown, the shipbuilding plants at Squantum, the destroyer plant at Quincy, and elsewhere. At San Francisco in September, 1917, work was halted on ship construction for

the navy and the Emergency Fleet Corporation valued at $[illegible],000,000 by the strike of 28,000 men employed in the shipbuilding, machine, foundry and allied industries in the iron trades for higher wages. One hundred and twenty employers were affected by the walkout of men enrolled in 25 unions and including 17 different crafts. In the Union Iron Works alone, which had contracts for $100,000,000 of government work, 10,000 men quit, many of whom had been especially exempted from army duty to continue at their industrial tasks.

As two distinguished minds lay alongside each other, it is amusing to recall how the mind of Samuel Gompers pulled the sheets off the mind of Woodrow Wilson. On August 25 President Wilson, representing the United States, and President Gompers, representing the American Federation of Labor, signed a treaty to cover the reciprocal relations of the United States and the Federation during the period of the war. One of the sections of this treaty read:

"The labor leaders agree not to call out their men pending efforts of the board to settle the dispute."

Following the strike at San Francisco and other labor troubles, Mr. Gompers was interviewed in Buffalo on November 15 concerning the treaty which he had signed. In this connection he said:

"If employers in munitions plants and shipyards make unjust demands on the workers, nothing can be done by the American Federation of Labor to settle strikes.

"I cannot set an arbitrary rule for settlement of such strikes and if I did I could not enforce it. Conditions causing the strike must be considered and their settlement must hinge on cooperation of all the parties involved."

Thus, it will be seen how the autocrat of the American labor movement, not unlike another autocrat of about the same period, but a different place, viewed his treaties.

Following a complete tie-up of the San Francisco shipbuilding plants in September for a period of ten days, a decision to end the strike was made by the Iron Trades Coun-

cil which said: "The Council announces that it is not satisfied with a temporary agreement and accepts purely for patriotic reasons. The Federal Adjustment Board will be served with notice that unless it permanently adjusts the differences involved by November 12 the Iron Trades Council will order another strike."

Here, you have union labor's own definition of its patriotism, and its most bitter critic could hardly frame a worse one.

Dethronement of a Czar

Probably no local labor leader ever wielded such autocratic power as P. H. McCarthy, president of the San Francisco Building Trades Council. From his initials, McCarthy was popularly known as "Pin Head," but never was a sobriquet more misapplied. The former mayor of San Francisco was an unschooled man and was frequently as malapropos as the present mayor of a great eastern city, but no man of his adroit leadership could fittingly bear the appellation of "Pin Head."

Of course, McCarthy found a field already well worked for him. San Francisco had been the stronghold of union labor in this country since the days of Dennis Kearney. Following the removal of Mayor Eugene Schmitz, the corrupt unionist, McCarthy was elected to the office, and succeeded in demonstrating that he was a better labor leader than municipal executive.

It was not difficult to defeat McCarthy on his record, but the business interests gained little by their success. Their candidate was James Rolph, Jr., who was a shipowner and had been president of the Merchants Exchange but he had political ambitions and little stamina. His character is best described by his sobriquet of "Sunny Jim," and McCarthy, due to the new mayor's defection, wielded greater industrial power under Rolph than he had been able to muster during his own administration. Rolph's course in office was a flagrant case of class betrayal, for he strengthened the union cause more than any unionist could have done.

The dethronement of McCarthy is here emphasized because of the lesson it teaches to the rest of the country. This man was a union czar in the stronghold of unionism. He had been mayor and even his enemies admitted his integrity. There was nothing "on him" except his autocracy. Yet, he was whipped from power. Nothing could manifest more clearly that there is something fundamentally wrong with the closed shop, and the same degree of determination that wrested San Francisco from the grip of the Building Trades Council would accomplish equal or greater results elsewhere.

Many times employers were ready to resist the tyranny of McCarthy, but a majority of the local bankers, who were for industrial peace at any price, coerced them into submitting to the czar's exactions, just as presidents of eastern life insurance companies have attempted to coerce railroad executives into accepting union demands. But McCarthy's lust grew with his power, and the time came when public opinion was too strong even for the banker-union coalition.

The organization that finally dethroned McCarthy grew out of a water-front strike in 1916. Picket lines were established and it became necessary for the United States government to obtain passes to get its goods to and from wharves. Following is one of these passes signed by John J. Murphy, president of the Riggers' and Stevedores' Union, under date of June 30, 1916:

"This is to certify that the firm of Reads' Express Co. is hauling for the United States Treasury. Pass through all picket lines."

This was too strong for the San Francisco Chamber of Commerce, which called a mass meeting for July 10. The attendance numbered 2,000, and a law and order committee was formed of which one member was a brother of Mayor Rolph out of sympathy with the administration. In five minutes, $200,000 was subscribed; in a week, $600,000; and later, $1,000,000. The membership of the Chamber was increased from 2,400 to 6,313, and the annual revenue was increased to $269,000. At a general election, following an intensive campaign, the people passed a referendum ordinance prohibiting picketing.

Control over industry in San Francisco was divided between the Labor Council and the Building Trades Council, and it was not until 1921 that the power of the latter was broken. The exactions of this organization were almost unbelievable. Planed hardwood from Michigan had to be "dummied" through a San Francisco planing mill. Contractors had to buy their materials where McCarthy directed, and it took five crafts to put in a window frame.

McCarthy had an industrial court of which he was judge and jury. If a contractor broke a union rule, he was served with a summons by a union bailiff, appeared before McCarthy and was convicted and fined, the fines going to swell the union funds.

Wage differences were submitted to a board of arbitration that included a Roman Catholic archbishop and a former judge of the Supreme Court. In March, 1921, the board rendered a decision calling for a reduction of 7½% in wages. McCarthy wrote a letter dismissing the board and relieving it from further consideration of the issues. He then called a general strike for May 9.

The Chamber of Commerce, which had public opinion behind it, raised a battle fund of $1,300,000, organized guards and opened employment bureaus as far east as Chicago. On June 13, the chamber declared for the open shop in the building trades, and it took over every building project in the city. The organization had to fight, not only the Building Trades Council, but several contractors, but it won.

McCarthy laughed on June 11, but on June 12 he offered to capitulate on every point. The chamber would not trust him, and 90% of his followers deserted him to work under the "American plan."

The fight cost the chamber $300,000, and the want of a similar fight ten years earlier had cost San Francisco 300,000 population. The remaining $1,000,000 was established as a permanent endowment to continue the work, and at the close of 1921 80% of the industries in the former stronghold of union labor were on an open-shop basis.

Remedy for Felony and Folly

Although this record of union labor covering the greater part of the present century has been one of criminal violence, private graft, disloyalty to country and economic folly, the record has not been compiled with the idea of proving that the average American workman is a thug, grafter, traitor or fool. The average American unionist, like the average American at large, is undoubtedly guilty of indifference to union or civic affairs. The union leader, like the political leader, is a misleader, and without giving their wholehearted endorsement, unionists put up with one just as the public puts up with the other.

It cannot be argued, for instance, that a majority of the citizens of Illinois are communists because Governor Len Small recently pardoned a number of Reds convicted and sentenced, yet the Governor was undoubtedly elected by a majority of the citizens who voted. Nor can it be reasoned that a majority of San Franciscans were grafters because they submitted for years to the rule of a political boss who was imprisoned for bribery. On the other hand, were a majority of the states to continue long under the governorship of Len Smalls and a majority of the municipalities under the dictatorship of Abe Ruefs, there would soon be an end of orderly, competent and honest government in this country. This would be the inevitable outcome that the unionists, as applied to their organizations, may well ponder.

In the last few years, there has been a change in the attitude of unionists toward union affairs just as there has been a change in the attitude of citizens over a longer period toward public affairs. With the growth of the unions and the affiliation of locals with great national bodies, there has come a loss of individual interest in local meetings, just as there is no longer the same degree of interest in town meetings. Union men either fail to attend meetings, or they attend and let their leaders do the thinking for them. As radicals are always more vociferous than conservatives, it follows that a few radicals sway many conservatives and action

of meetings seldom represents the calm and uninfluenced opinion of the majority.

Even the nature of union violence has changed. Luke Grant, a member of the Carpenters' Union and a writer of recognized authority on trade unions, said in his official report to the Federal Industrial Relations Commission:

"In recent years there has been a marked change in the nature of the violence committed in the building trades and in the methods used. The ordinary workman who in former days was apt to use his fists on the head of a 'scab' for the sake of 'the cause,' seldom does so now. His place has been taken by the professional thug and gunman. Violence has become commercialized and made more brutal. Assaults on non-union workmen are seldom made openly as in former days when the strikers did the assaulting. The professional slugger lies in wait for his victim, assaults him with a bludgeon or probably shoots him to death. If the destruction of property seems more expedient than the slugging of non-union men, the professional will attend to that. It makes no difference to him what the crime, or who hires him to commit it. That such a system of organized thuggery obtains in many of the building trades unions is beyond dispute."

Another well-known writer on union labor conditions, estimates that the unions are controlled by 1% of the membership. This makes it easy for those possessed of political adroitness to obtain and retain union offices, with the result that leaders have become practically without responsibility to their following. The average unionist considers that he pays dues for protection against non-union competition, and if he gets this he makes little inquiry concerning the extra-official activities of his officers.

It is this apathetic attitude that makes possible such extortions as were practiced by Brindell, or Shea of the Teamsters' Union, with loss to industry and to labor out of all proportion to the bribes received. It was testified at the two trials of Shea that he received $1,500 from the Garment Workers' Union to call out the teamsters employed by Montgomery Ward & Co., of Chicago. The strike is estimated to

have cost those directly interested $2,000,000, to have cost the business interests of Chicago $25,000,000, while Shea's two trials cost Cook county $100,000.

It is probable that many of the unionists in this country would have voted to hang Shea after the exposure, but it is not likely that 1% was bestirred to make inquiry whether their own officers were engaged in similar practices.

Either it must be assumed that the remedy for union labor abuses lies in the rank and file giving more individual attention to union affairs, or it must be assumed that the great body of unionized American workers has embarked on a campaign of crime and folly that will certainly result in the destruction of its organization. The latter assumption it is not easy to entertain.

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